Forest
Practices
Board

2000 ANNUAL REPORT

Canadian Cataloguing in Publication Data

British Columbia. Forest Practices Board

Annual report. —1995-

Annual.

ISSN 1230-9071 = Annual report - British Columbia

Forest Practices Board

1. British Columbia. Forest Practices Board - Periodicals.
2. British Columbia. Forest Practices Code of British Columbia Act - Periodicals.
3. Forest policy - British Columbia - Periodicals.
4. Forest management - British Columbia - Periodicals.
5. Forest law and legislation - British Columbia - Periodicals.

I. Title.

SD14.B7B74 354.7110082'338'06 C96-960058-5

Forest Practices Board

The Honourable Gordon Wilson
Minister of Forests

The Honourable Ian Waddell
Minister of Environment, Lands and Parks

The Honourable Glenn Robertson
Minister of Energy and Mines

Dear Ministers:

It is with pleasure that I submit to you the Annual Report of the Forest Practices Board for the calendar year 2000, in accordance with section 189(1) of the Forest Practices Code of British Columbia Act. This report contains information on the affairs of the Board for the year ending December 31, 2000.

Yours sincerely,

Bill Cafferata
BOARD CHAIR
VICTORIA, BRITISH COLUMBIA

TABLE OF CONTENTS

STATEMENT FROM THE CHAIR	3
THE BOARD	7
FINANCIAL STATEMENT	8
AUDITING FOREST PRACTICES AND CODE ENFORCEMENT	9
TABLE 1 – Summary of Audits completed in 2000	11
TABLE 2 – Summary of Compliance Audits Undertaken in 2000	14
Map of Compliance and Enforcement Audit Locations	15
INVESTIGATING FOREST PRACTICES AND CODE COMPLIANCE	16
TABLE 3 – Complaints Received in 2000	19
SPECIAL INVESTIGATIONS AND REPORTS	23
Significant Breaches of the Forest Practices Code along the Power Line Corridor for the Kemess South Mine	24
A Review of the Forest Development Planning Process in British Columbia	26
REVIEWS AND APPEALS	28
TABLE 4 – Review and Appeal Stats	30
PUBLIC CONTACT	31
TABLE 5 – Publications Released in 2000	33
RECOMMENDATIONS AND RESPONSES	34
GLOSSARY OF TERMS	42

STATEMENT FROM THE CHAIR

HISTORICAL CONTEXT OF THE FOREST PRACTICES BOARD

My appointment as Chair of the Forest Practices Board last year marks the completion of the first five years of the Board's existence. Keith Moore, as the first Chair, led the Board from its inception to this point, and I wish to express my personal appreciation for the good work accomplished by early members of the Board under Keith's leadership. In those formative years, the Board served British Columbia well and established itself as a credible and competent guardian of the public's interest in British Columbia's Crown forests. But how did we get here?

Regulation of forest practices in British Columbia following European contact began around 1865, when licences for timber harvesting from public lands were first granted. About that same time, the government of the day decided forest lands would remain as public lands. Their decision still holds today, as about 95 percent of British Columbia's forest lands are publicly owned.

Since the late 1800s, the public's expectations of forest managers have reflected the increased complexity of society in general. The province of B.C. ordered Royal Commissions on forest policy in 1909, 1945 and 1976. The findings of these reviews focused mainly on the importance of a supply of timber from public forests to an industry that was the economic mainstay of British Columbia. But the 1976 Royal Commission also heard about an increasing level of public concern for the management of non-timber forest values. Subsequently, the industrial forest practices of the 1970s became increasingly controversial.

The public's demand for consideration of non-timber forest values today has expanded well beyond what was foreseen by either government or the forest industry at that time. In response, government initiated land-use planning processes throughout B.C. Prominent among these was the Commission on Resources and Environment, or CORE, in the 1990s.

In 1995, during the closing phases of the CORE process, the *Forest Practices Code of British Columbia Act* came into effect. The Code has the capability to improve the management of all forest values on public forest lands, and to move those practices toward ecosystem-based forest management. Code provisions give the public an opportunity to affect forest planning. They also offer a record of compliance with the Code by holders of forest tenure and provide a formal process for having public complaints about forest practices heard.

The Board was created under the Code as an independent watchdog for the public interest in B.C.'s public forests. The board's mandate is to:

- audit tenure holders and government ministries for compliance with, and enforcement of, the Code
- deal with complaints from the public regarding forest planning and practices under, and government enforcement of, the Code
- carry out special investigations and issue special reports as the Board sees appropriate
- request administrative reviews of approved forest development plans
- participate on behalf of the public in reviews of penalty determinations
- participate in appeals to the Forest Appeals Commission.

INDEPENDENCE OF THE BOARD

Code legislation provides for the independence of the Board from licensees and the government in several ways. While the Board provides reports to the Ministers of Forests, Environment, Lands and Parks, and Energy and Mines, its reports and findings are not provided to government for revision or comment in advance of public release. When the Board deals with an audit of or complaint about a government operation, that operation is entitled to the same level of information about the Board's preliminary findings as any other auditee or complaint subject.

The Board's funding comes directly from Treasury Board, which insulates it from funding pressures that might arise from within any of the three Code ministries. The Board also has the authority of the *Inquiry Act* to compel the giving of evidence in the course of its investigations, and it has the authority to audit and investigate government's forest practices and enforcement actions.

BOARD WORK IN 2000

In 2000, the Board acted on its mandate by reporting on 12 compliance audits (two Ministry of Forests Small Business Forest Development Program audits and 10 audits of industry holders of forest tenure), 14 investigations of complaints (seven related to Ministry of Forests decisions or actions and seven related to industry decisions or actions), three special investigations (two of which included complaints) and two special reports. The Board also participated in two administrative reviews, and resolved one complaint without the need for a formal investigation.

These numbers are indirect measures of the Board's performance and its relevance to the protection of the public interest in the management of public forest lands.

Although the Board's audits are based on sampling a small percentage of forest practices in B.C., the overall physical scope of these audits is worth mentioning. In 2000, the Board's audit teams inspected first-hand 328 harvesting blocks, 415 kilometres of new road construction, 3,690 kilometres of road maintenance, 285 kilometres of road deactivation and regeneration delay on 179 blocks.

The 12 compliance audits released in 2000 show an increasing trend toward "clean" audits; i.e., compliance with the Code "in all significant respects." Code compliance continues at a high level overall for industry, and the Ministry of Forests' Small Business Forest Enterprise Program has shown improvement.

In 2000, the Board continued to stress the need for strategic level planning to guide forest development plans. This was a key finding of our *Special Report on Forest Development Planning*. Strategic plans are required if the full capability of the Code is to be realized.

In addition to compliance audits, government's ability to ensure compliance with the Code was audited by the Board in 1999. Following from that work a pilot audit of the appropriateness of government's enforcement of the Code was developed and initiated in 2000.

THE CODE HAS THE CAPABILITY TO IMPROVE THE MANAGEMENT OF ALL FOREST VALUES ON PUBLIC FOREST LANDS, AND TO MOVE THOSE PRACTICES TOWARD ECOSYSTEM-BASED FOREST MANAGEMENT.

The Board received a record high of 62 concerns and complaints last year. We see this increased number as a measure of the public's awareness of the Board's ability to respond credibly to their concerns about forest practices. On average, the time taken to bring a complaint to closure decreased slightly, from 15 months in 1999 to 14 months in 2000. We need to reduce this time if we are to increase the relevance of our reports.

Special investigations and reports enable the Board to address forest practice issues on its own initiative, rather than reacting only to issues the public raises in complaints, or that surface in compliance audits. The five special investigations and reports brought to conclusion in 2000 covered issues such as consistency of operational planning with strategic planning, and enforcement of Code standards on large projects overseen by multiple ministries.

The Board also has the authority to request an administrative review of an approved forest development plan, but only if the Board believes that the plan contravenes the Code. We considered 10 such requests in 2000, but proceeded with only one. Overturning an approved forest development plan could have significant social and economic consequences. Therefore, we tend to use our authority to challenge approved plans only for the part of the plan where there is a significant issue, such as an important precedent, or where there is a risk of significant environmental harm.

101-04247/

IMPROVING OUR PERFORMANCE

Given the controversial nature of many of the issues we deal with, and the range of views among those involved in our work, it comes as no surprise that some of our findings are not accepted. The Board is only one part of a legal system intended to protect the participants' rights, so our findings may be disputed. This can be done either through a complaint to the Office of the Ombudsman or through a court challenge.

In 1999, the subject of an audit felt that the Board went beyond its jurisdiction with comments included in the audit report and challenged the Board on this issue in court. The court upheld the Board's position, but the auditee subsequently appealed this ruling to a higher court. Two other challenges to Board process in 2000 were made to the Office of the Ombudsman. At the time of this writing, one of these challenges has been heard and the Board's procedures have been upheld by the Ombudsman's office.

As with any responsible organization, the Board pays close attention to complaints about our performance and addresses any deficiencies that may be identified. However, we don't rely solely on complaints to find ways to improve our performance. The Board feels that it must complete investigations in a timely manner if they are to be of optimal use to the public. Although we improved our response time on average, we have been slow to bring some investigations to conclusion. The goal for 2001 is to bring all complaint investigations to closure within one year of receiving them.

To help achieve this goal, staff and some of the appointed board members have received training in alternative dispute resolution. In 2000, at least one complaint was successfully resolved in this way, as were some of the issues in other complaints. The Board intends to expand on this method of dealing with complaints, as it often offers a quicker and more satisfying resolution to problems with less cost to all of the participants.

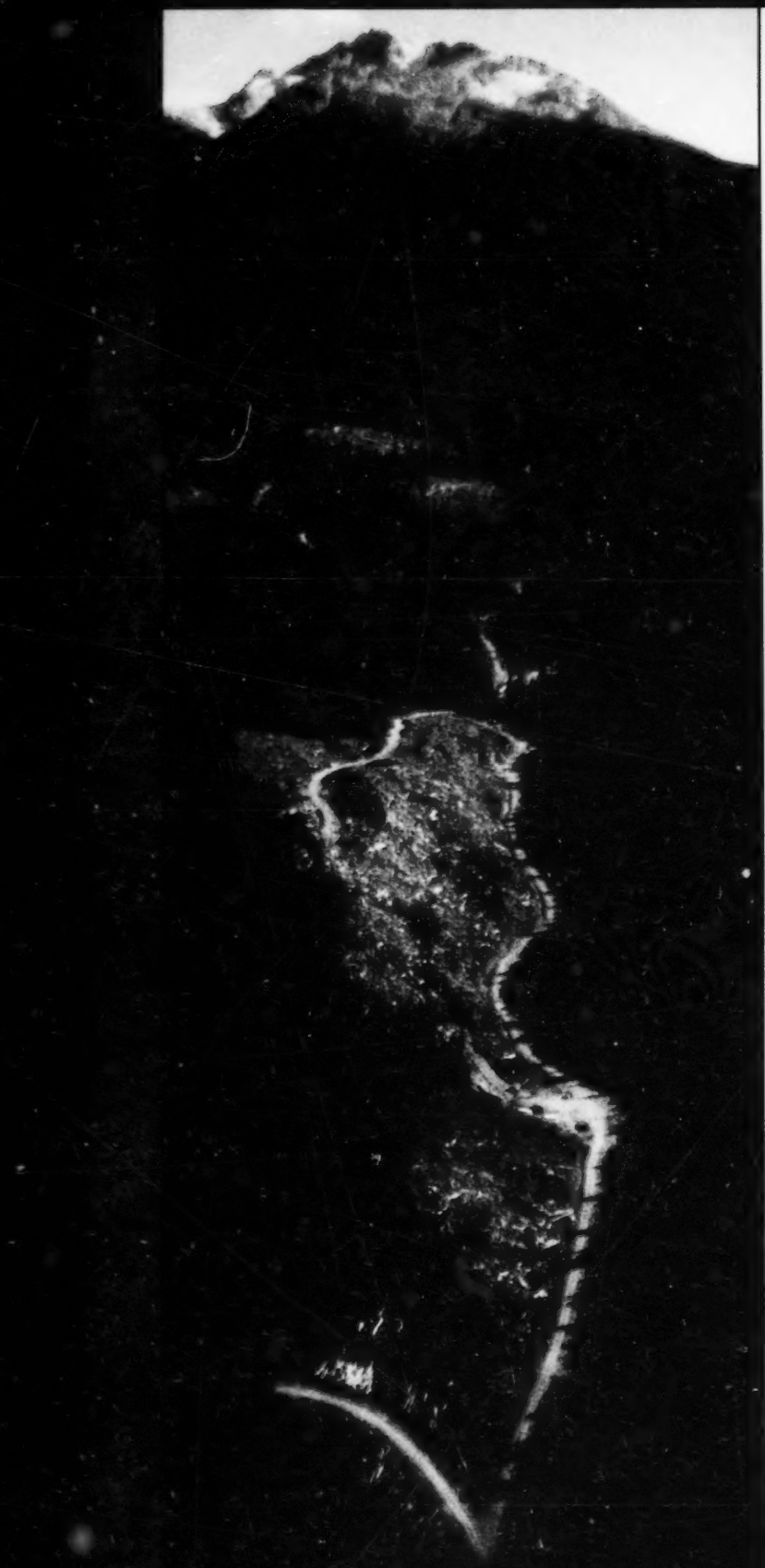
When the Board makes recommendations for better Code implementation, we usually receive a constructive response from both industry and government. The Board does report recommendations made and responses received, as may be seen starting on page 36 of our annual report. While we undertook a concerted effort to follow through on responses to audit report recommendations in 2000, we were not as vigilant with following up on responses to recommendations in our investigation reports – a shortcoming that will be addressed in 2001. We also wish to improve the quality of our recommendations by seeking advice on them from the participants in audits and investigations.

DIRECTION FOR THE FUTURE

The Nisga'a treaty has expanded the Board's role by creating an obligation for the Board to audit licensees on Nisga'a land during the transition from management of the land by B.C. to management by Nisga'a. The Board will develop audit protocols specific to this purpose.

With respect to overall development of the Board's role, in June of 2000 we set out three strategic directions to guide us into the future:

- focus on the consequences for the land base from actions arising from forest practices
- be more involved with the evolution of the Forest Practices Code of B.C.
- focus on informing, and being informed by, the public.



Expansion of these guiding directions will take various forms. A focus on the land base will likely lead the Board to develop an audit protocol that will assess the condition of a land area that is defined primarily by ecological boundaries, rather than by tenure boundaries. This would provide a more logical basis for the public to assess the results of forest practices.

Evolution of the Code will be influenced by the issue of independent certification of forest practices, which many forest tenure holders are adopting. The Board may have a role in assessing the efficacy of various certification systems.

Code evolution is also being shaped by the government's current trend toward encouraging pilot projects that improve the regulatory framework for forest practices. This offers licensees an opportunity to propose alternative means of reaching the Code's objective.

The Board has kept informed of these projects and is encouraged by the emphasis they are placing on a more comprehensive approach to forest management. Our role in auditing and investigating complaints under these pilot projects continues, so it is especially important for us to be aware of what they propose.

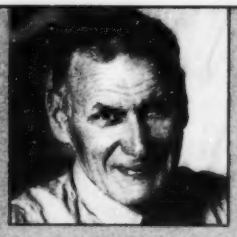
Informing and being informed by the public is key to the Board's ability to fulfil its mandate to serve the public interest. Meeting this objective requires us to assess which communications tools are working for us, and to seek improved or different means of communication. For 2001, the Board will renew its efforts to meet with people in B.C.'s communities.

Of course, the initiatives identified here are intended to enhance our ability to meet our fundamental purposes, which are the encouragement of sound forest practices that warrant public confidence, fair and equitable application of the Forest Practices Code and continuing improvements in forest practices.

The Board's role as a public watchdog does not bestow on it powers to impose penalties or write regulations. In my view, the only real authority the Board has over forestry issues is that which it earns from the public, whether that public be in B.C., Canada or in the global marketplace, by producing work that is both credible and of the highest quality.

On behalf of the Board, I wish to thank the public for their support in 2000 and we look forward to earning it again in 2001.

THE BOARD



BILL CAFFERATA
Full-time Chair of the Board.
Forester with years of experience on the west coast of BC, including chief forester for Weyerhaeuser's Coastal Wood Group.
Resident of West Vancouver, BC.

JOHN CUTHBERT
Part-time Vice-chair
Forester with a long distinguished career with the Ministry of Forests, including nine years as Chief Forester for the province.
Resident of Summerland, BC

KLAUS OFFERMANN
Part-time Board Member
Former forestry worker representative with experience in forest policy development, sustainable forestry and land use planning.
Resident of Nelson, BC

LIZ OSBORN
Part-time Board Member
Consultant with wide experience and education in natural resources policy, planning and research.
Resident of Telkwa, BC

FRED PARKER
Part-time Board Member
Forester with a wide range of experience in the forest industry in the BC interior.
Resident of Castlegar, BC

MARK HADDOCK
Part-time Board Member
Lawyer with significant experience in forest policy and law.
Resident of Port Moody, BC

INGRID DAVIS
Part-time Board Member
Forester and consultant with extensive experience in silviculture practices.
Resident of Merritt, BC

THE YEAR 2000 BEGAN with a significant change for the Board. Bill Cafferata was appointed as the new Board Chair, taking over when Keith Moore completed his term. In order to assist the transition and complete some files he was integral to, Keith Moore continued as a part-time Board member until June 2000.

Bill Cafferata brings a new perspective to the leadership of the Board. A resident of West Vancouver, he was most recently chief forester at Weyerhaeuser's Coastal Group, where he led the company's program to increase conservation of old growth, phase out clear-cutting and achieve independent certification of good forest practices. He also played a key role in improving dialogue between the company and environmental groups.

In September 2000, Klaus Offermann was re-appointed for a three-year term. Members John Cuthbert (Vice-Chair), Ingrid Davis, Mark Haddock, Liz Osborn and Fred Parker continued to serve on the Board through 2000, with the total membership remaining at seven members.

In June 2000, the Board met for a strategic planning session to help guide its work into the future. Out of this session came three areas of focus for all of the work the Board undertakes:

- focus on the consequences for the land base from actions arising from forest practices
- be more involved with the evolution of the Forest Practices Code of B.C.
- focus on informing, and being informed by, the public.

These directions influenced the establishment of priorities and the emphasis taken in audits, investigations, reviews and appeals, and in Board reports produced in 2000. They will continue to guide the Board's work in the future.

The Board also considered more files as panels, rather than dealing with all files as a full Board. This has resulted in efficiencies and in the faster processing of files. However, the composition and number of members on individual panels remains a challenge for the Board and efforts to improve the timeliness of Board work, while maintaining high standards, will continue in the future.

At the end of 2000, the Board was in the process of completing the filling of all staff positions in the organization, for the first time in the Board's history. A full staff complement to conduct the work of the Board will enable the Board to improve its timeliness and to complete more audits, investigations and reports on effectiveness of the Code and achievement of its intent.

FOREST PRACTICES BOARD EXPENDITURES 2000

JANUARY 1 TO DECEMBER 31, 2000 UNAUDITED INFORMATION

		OPERATIONAL EXPENDITURES					
	BOARD MEMBERS & EXECUTIVE	COMPLAINT INVESTIGATIONS	AUDITS	REVIEWS & APPEALS	SPECIAL PROJECTS & COMMUNICATIONS	ADMINISTRATIVE	TOTAL
Total Salaries and Benefits	347,232	578,719	482,179	268,127	257,671	198,367	2,132,295
Total Operating Costs	383,143	135,143	1,103,398	48,047	344,390	697,824	2,711945
Total Capital Expenditures	0	0	0	0	0	80,356	80,356
Total Expenditures	**730,375**	**713,862,**	**1,585,577,**	**316,174**	**602,061**	**976,547**	**4,924,596**
Budget							**5,497,029**

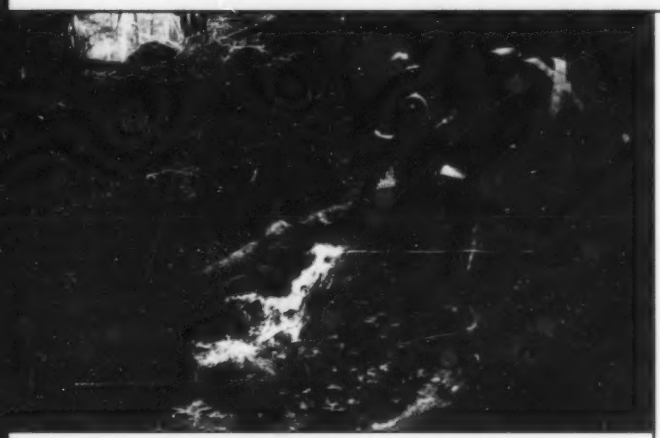
NOTES:

1. The calendar year 2000 combines the last three months of fiscal year 1999/2000 (January to March) and the first nine months of fiscal year 2000/01 (April to December).
2. The Board's budget for caldendar year 1999 was $5,497,029. (This is the amount accounted for by appropriation from fiscal year 1999/2000 and 2000/2001 of $1,522,806 and $3,974,233, respectively, allocated to the 2000 calendar year.) During 2000, the Board's expenditures totaled $4,924,596.
3. Board members and executive expenditures cover those of the Chair of the Board, the part-time Board members, those associated with the office of the Executive Director, and those of staff providing direct support to the Board Members.
4. Reviews and Appeals expenditures cover legal advice on all files of the Board.

Mission Statement

The Forest Practices Board serves the public interest as the independent watchdog for sound forest practices in British Columbia.

AUDITING FOREST PRACTICES & CODE ENFORCEMENT



THE FOREST PRACTICES BOARD UNDERTAKES periodic, independent audits of compliance with the Code and the appropriateness of government enforcement of the Code. The Board chooses at random which operations will be audited. The Board receives a listing of all forest licences from the Ministry of Forests, then uses specialized auditing software that has a random number generator within it to randomly select licences and districts for audit, as well as to determine the scope of the audits.

ACCOMPLISHMENTS IN 2000

The Board had an innovative year in terms of audits. A major change was the development of the enforcement audit program, born of the previous year's audit into how the forests, environment and mines ministries are organized to enforce the Code. In 2000, the Board conducted a pilot audit of the appropriateness of Code enforcement in the Vernon Forest District. This audit was still underway at year end.

The Board also refined its compliance audit procedures further last year, which helped speed up the reporting process. As a result, it's likely that all compliance audits conducted in 2000 will be released to the public by the end of the fiscal year. This includes an extra audit performed by the Board, increasing the number of audits undertaken in 2000 to 10 from nine the previous year. For a full list of audits undertaken and completed in 2000, please see Tables 1 and 2 on pages 11 and 14, and the map of audit locations on page 15.

FINDINGS ON THE GROUND

Last year we began to notice some significant changes in forest practices – changes that indicate a better awareness of sound forest practices in British Columbia. For example, last year's audits revealed a number of responsible forest practices that might have been considered notable exceptions two years ago. More and more, forest licence holders are adopting such practices widely as standard operating procedures.

One audit of timber harvesting and road construction, maintenance and deactivation practices last year was a good example of this trend. The audit found that the company's harvesting practices around certain non-fish streams were carried out with a high degree of sensitivity. Vegetation was retained close to these streams, machinery was not allowed within five metres and timber was felled and yarded away from these streams, where it was safe and practical to do so. The company carried out similar practices around drainages that aren't defined as streams in the Code and where that degree of protection wasn't legally required.

In general, operators in the public forest last year continued to show a better awareness of, and preparation for, participation in Board audits.

The absence of higher level plans continued to affect the work of the Board last year. However, making it difficult to determine what's expected of licensees and statutory decision-makers in forest development planning. The Code does not require that forest development plans address landscape-level objectives that have not been formally established as higher level plans.

The effect this has on public forest land was revealed in an audit conducted last year. As landscape-level objectives had not been established in the forest district, there was no assurance that all forest resources were being adequately addressed at the landscape level. The Board found that this situation diminished the opportunity for public review and comment on the forest development plan, limited the licensee's legal obligation to manage or protect forest resources, and may have limited government's enforcement role.

In that audit and in other similar audits, the Board is making recommendations to government aimed at expediting higher level planning, or at least ensuring that forest district managers become aware of all forest resources and make them known to licensees for forest development planning. It's expected that the Board will continue to push for the establishment of higher level plans in the coming year.

TRENDS

There were some new areas of concern uncovered during audits last year. Three areas of practice that had previously not been found to be in significant non-compliance in the past – bridge maintenance, fire protection and harvesting along marine foreshores – came up as problems in audits last year. Issues around road construction and maintenance, and harvesting practices around riparian areas, also arose. However overall, audits are showing that forest practices are improving and there are increasingly more clean audits. In fact, all audits initiated and reported in 2000 were clean.

The Code ministries' ability to apply the Code and the forest industry's active attention to compliance has contributed to these improvements. That's good news for the Board and the public, as increased compliance for the forest industry means the Board can expand the scope of its auditing and begin to look more closely at other public forest activities such as range use, woodlots, and access to oil and gas and mining tenures.

BEING INFORMED

The Board had the opportunity to receive specific, relevant feedback last year from its stakeholders. Some have expressed a concern that the Forest Practices Board reports predominantly negative findings and fails to balance these findings with examples of compliance and positive performance. It has also been stated that the Board doesn't give enough consideration to economic and other industry values, and that this attitude could influence regulatory agencies to do the same.

It's helpful for the Board to hear those concerns. The auditors and the Board do comment on notable practices and other issues of relevance more widely than they did using short-format reporting. The Board is also looking at a broader auditing approach that would include a wider array of findings.

Auditees have also asked the Board to allow them the opportunity to appear before the Board at the same time as audit reports are presented. They felt this would give them a chance to balance the auditor's presentation. Traditionally, the Board has received written representations from auditees and has considered that an effective way for them to respond. However each request for oral representations is reviewed on its own merits.

The Board also heard concerns over the complexity and length of time for audits, which some feel result in costs and operational delays for individual licensees. In general, the Board agrees that audits can be faster and less complex. There has been a significant effort toward more streamlined operations, and the Board's output of audit reports last year certainly reflects some success in that area.

In 2000, the Board set out to increase the number of compliance audits from the projected nine to 10, and was successful in doing so. We also wanted to focus attention on how to make audits more effective by updating our procedures manual annually.

Enforcement audits are on also track, as the Board works to develop a framework for these projects. Over the next year, the Board plans to conduct a second pilot enforcement audit.

FUTURE DIRECTION

Some of the Board's goals over the next year involve putting into practice ideas developed over the past year. This includes development and field testing of auditing criteria and procedures for results-based objectives, implementing an audit program in the Nisga'a territory and continuing to refine the conduct and quality control of all Board audits.

Although there has been no firm decision on this direction, the Board is also hoping to move toward full-scope audits with much wider terms of reference than in the past. This is something the Board is studying, along with the potential for auditing other types of forest practices such as access to oil and gas exploration sites, range activities and woodlots. The Board is also looking at a new type of audit that would examine the practices of a number of licensees and the appropriateness of government's enforcement in a geographic area.

TABLE 1 – Summary of Audits Completed in 2000

AUDIT SUMMARY AND LOCATION	ACTIVITIES AUDITED	FINDINGS
West Fraser Mills Ltd., Skeena Sawmills Division **Tree Farm Licence 41** **378,500 m3** (Kalum Forest District)	• operational planning • timber harvesting • road construction, maintenance and deactivation • silviculture • fire protection	A qualified opinion – West Fraser's operational planning and forest practices generally complied with the Code. The only significant non-compliance involved two fish streams in one cutblock that were incorrectly classified. The Board notes that this is a high degree of compliance considering the TFL is in a remote area with difficult operating conditions. Two other issues were identified during the audit. These do not represent non-compliance with Code requirements on the part of West Fraser, but do identify forest management concerns that exist within the TFL area. 1. The Board is concerned that the forest development plan contains little or no information to describe other wildlife, such as the tailed frog and grizzly bear, and non-timber forest values that exist in West Fraser's tree farm licence, or explain how they will be protected. 2. The audit identified four old road systems built in naturally unstable terrain, and there is evidence of problems that may lead to landslides. This could affect productive forest sites and streams. These roads were built and used before the introduction of the Code, and West Fraser has not used these roads since the Code came into effect. Therefore, under the Code, West Fraser does not have a legal obligation to maintain or deactivate these roads. No party appears to have this legal responsibility. Report released Jan. 2000.
Riverside Forest Products Ltd., Lumby Division **Forest Licence A20191** **52,552 m3** (Vernon Forest District)	• timber harvesting • road construction, maintenance and deactivation (includes related operational planning)	A clean opinion – Riverside's timber harvesting, road construction, maintenance and deactivation complied with the Code requirements in all significant respects. Riverside's practices adjacent to very small streams and seasonal drainages provided more protection than the Code requires. Report released Mar. 2000.
Canadian Forest Products Ltd. **Forest Licence A40873** **2.2 million m3** (Fort St. James Forest District)	• timber harvesting • road construction, maintenance and deactivation (includes related operational planning)	A qualified opinion – Canfor's operational planning and forest practices generally complied with the Code. The only significant non-compliance involved planning and practices for the management of the mountain pine beetle. The Code does not require that forest development plans address landscape-level objectives that have not been formally established as higher level plans. Landscape-level objectives have not yet been established in the Fort St. James Forest District. As a result, there is no assurance that all forest resources are being adequately addressed at the landscape level. Report released Aug. 2000.
Western Forest Products Ltd. **Tree Farm Licence 25 (northern portion)** **643,000 m3** (Parts of the Queen Charlotte, Mid Coast, and North Coast Forest Districts)	• timber harvesting • road construction, maintenance and deactivation (includes related operational planning)	A qualified opinion – WFP's timber harvesting, road maintenance and deactivation generally complied with the Code. The only significant non-compliance involved road construction practices around streams for one kilometre in aggregate of the Duthie Main Road on Pooley Island. Report released Oct. 2000.

TABLE 1 – Summary of Audits Completed in 2000

AUDITEE/ALLOWABLE ANNUAL CUT	ACTIVITIES AUDITED	FINDINGS
West Fraser Mills Ltd., Skeena Sawmills Division **Tree Farm Licence 41** **378,500 m3** **(Kalum Forest District)**	• operational planning • timber harvesting • road construction, maintenance and deactivation • silviculture • fire protection	**A qualified opinion – West Fraser's operational planning and forest practices generally complied with the Code. The only significant non-compliance involved two fish streams in one cutblock that were incorrectly classified. The Board notes that this is a high degree of compliance considering the TFL is in a remote area with difficult operating conditions.** **Two other issues were identified during the audit. These do not represent non-compliance with Code requirements on the part of West Fraser, but do identify forest management concerns that exist within the TFL area.** **1. The Board is concerned that the forest development plan contains little or no information to describe other wildlife, such as the tailed frog and grizzly bear, and non-timber forest values that exist in West Fraser's tree farm licence, or explain how they will be protected.** **2. The audit identified four old road systems built in naturally unstable terrain, and there is evidence of problems that may lead to landslides. This could affect productive forest sites and streams. These roads were built and used before the introduction of the Code, and West Fraser has not used these roads since the Code came into effect. Therefore, under the Code, West Fraser does not have a legal obligation to maintain or deactivate these roads. No party appears to have this legal responsibility.** **Report released Jan. 2000.**
Riverside Forest Products Ltd., Lumby Division **Forest Licence A20191** **52,552 m3** (Vernon Forest District)	• timber harvesting • road construction, maintenance and deactivation (includes related operational planning)	A clean opinion – Riverside's timber harvesting, road construction, maintenance and deactivation complied with the Code requirements in all significant respects. Riverside's practices adjacent to very small streams and seasonal drainages provided more protection than the Code requires. Report released Mar. 2000.
Canadian Forest Products Ltd. **Forest Licence A40873** **2.2 million m3** **(Fort St. James Forest District)**	• timber harvesting • road construction, maintenance and deactivation (includes related operational planning)	**A qualified opinion – Canfor's operational planning and forest practices generally complied with the Code. The only significant non-compliance involved planning and practices for the management of the mountain pine beetle.** **The Code does not require that forest development plans address landscape-level objectives that have not been formally established as higher level plans. Landscape-level objectives have not yet been established in the Fort St. James Forest District. As a result, there is no assurance that all forest resources are being adequately addressed at the landscape level.** **Report released Aug. 2000.**
Western Forest Products Ltd. **Tree Farm Licence 25 (northern portion)** **643,000 m3** (Parts of the Queen Charlotte, Mid Coast, and North Coast Forest Districts)	• timber harvesting • road construction, maintenance and deactivation (includes related operational planning)	A qualified opinion – WFP's timber harvesting, road maintenance and deactivation generally complied with the Code. The only significant non-compliance involved road construction practices around streams for one kilometre in aggregate of the Duthie Main Road on Pooley Island. Report released Oct. 2000.

Summary of Audits Completed in 2000

AUDITEE/ALLOWABLE ANNUAL CUT	ACTIVITIES AUDITED	FINDINGS
Small Business Forest Enterprise Program (SBFEP) **183,824 m3** **(Sunshine Coast Forest District)**	• operational planning • timber harvesting • road construction, maintenance and deactivation • silviculture • fire protection	**A qualified opinion – The SBFEP's operational planning, harvesting, road construction, maintenance and deactivation practices, silviculture and fire protection activities generally complied with the Code. The only significant non-compliance involved deficiencies in fire preparedness plans and on-site availability of fire tools.** **The Board commends the Sunshine Coast Forest District for its approach to managing several non-timber resources. The district had interim measures in place to protect marbled murrelet nesting habitat within the Bunster Hills area, and had an integrated watershed management plan for Haslam Lang. These pro-active measures help to bridge the gap in the Code with respect to protection of non-timber resources.** **However, until higher level plans and landscape unit objectives are legally established, there is no legal obligation under the Code to adequately protect other resources across the district. The government should formally designate these landscape level initiatives in the Sunshine Coast Forest District as soon as it is feasible.** **Report released Oct. 2000.**
Canadian Forest Products Ltd. **Tree Farm Licence 48** **401,370 m3** (Dawson Creek Forest District)	• timber harvesting • road construction, maintenance and deactivation (includes related operational planning)	A qualified opinion -- Canfor's timber harvesting, road maintenance and deactivation practices generally complied with the Code. The only significant non-compliance involved bridge inspections not including all of the required information and several bridges not being inspected frequently enough. Report released Nov. 2000.
Tanizul Timber Ltd. **Tree Farm Licence 42** **120,000 m3** **(Fort St. James Forest District)**	• timber harvesting • road construction, maintenance and deactivation (includes related operational planning)	**A clean opinion – Tanizul's timber harvesting and road construction, maintenance and deactivation activities complied with the Code in all significant respects.** **Report released Nov. 2000.**
Small Business Forest Enterprise Program (SBFEP) **113,000 m3** (Mid Coast Forest District)	• timber harvesting • road construction, maintenance and deactivation (includes related operational planning)	A qualified opinion – Timber harvesting, road construction, maintenance and deactivation practices generally complied with the Code. The only significant non-compliance involved harvesting practices along the marine foreshore and road construction adjacent to a fish-bearing stream. Report released Nov. 2000.
Atco Lumber Ltd. **Forest Licence A20218** **20,167 m3** **(Kootenay Lake Forest District)**	• timber harvesting • road construction, maintenance and deactivation (includes related operational planning)	**A clean opinion – Atco's operational planning and forest practices complied with Code requirements in all significant respects.** **Report released Dec. 2000.**

Summary of Audits Completed in 2000

AUDITEE/ALLOWABLE ANNUAL CUT	ACTIVITIES AUDITED	FINDINGS
Evans Forest Products (currently LP Engineered Wood Products Ltd. **Tree Farm Licence 55** **100,000 m3** **(Columbia Forest District)**	• timber harvesting • road construction, maintenance and deactivation (includes related operational planning)	**A clean opinion – Evans-LP's timber harvesting and road practices complied with Code requirements in all significant respects. The Board notes the high degree of compliance by Evans-LP in an operating area with steep terrain and a lot of snow.** **Report released Dec. 2000.**
International Forest Products **Tree Farm Licence 54** **75,750 m3** (South Island Forest District)	• timber harvesting • road construction, maintenance and deactivation (includes related operational planning)	A clean opinion – Interfor's timber harvesting and road practices complied with Code requirements in all significant respects. Interfor also complied with the relevant recommendations of the Clayoquot Sound Scientific Panel in all significant respects. Report released Dec. 2000.
Skeena Cellulose Inc. **Forest Licence A16829** **123,000 m3** **(Bulkley Forest District)**	• timber harvesting • road construction, maintenance and deactivation (includes related operational planning)	**A clean opinion – Skeena's timber harvesting and road practices complied with Code requirements in all significant respects.** **Report released Dec. 2000.**

Summary of Audits Completed in 2000

AUDITEE, ALLOWABLE ANNUAL CUT	ACTIVITIES AUDITED	FINDINGS
Small Business Forest Enterprise Program (SBFEP) **183,824 m3** (Sunshine Coast Forest District)	• operational planning • timber harvesting • road construction, maintenance and deactivation • silviculture • fire protection	A qualified opinion – The SBFEP's operational planning, harvesting, road construction, maintenance and deactivation practices, silviculture and fire protection activities generally complied with the Code. The only significant non-compliance involved deficiencies in fire preparedness plans and on-site availability of fire tools. The Board commends the Sunshine Coast Forest District for its approach to managing several non-timber resources. The district had interim measures in place to protect marbled murrelet nesting habitat within the Bunster Hills area, and had an integrated watershed management plan for Haslam Lang. These pro-active measures help to bridge the gap in the Code with respect to protection of non-timber resources. However, until higher level plans and landscape unit objectives are legally established, there is no legal obligation under the Code to adequately protect other resources across the district. The government should formally designate these landscape level initiatives in the Sunshine Coast Forest District as soon as it is feasible. Report released Oct. 2000.
Canadian Forest Products Ltd. **Tree Farm Licence 48** **401,370 m3** (Dawson Creek Forest District)	• timber harvesting • road construction, maintenance and deactivation (includes related operational planning)	A qualified opinion – Canfor's timber harvesting, road maintenance and deactivation practices generally complied with the Code. The only significant non-compliance involved bridge inspections not including all of the required information and several bridges not being inspected frequently enough. Report released Nov. 2000.
Tanizul Timber Ltd. **Tree Farm Licence 42** **120,000 m3** (Fort St. James Forest District)	• timber harvesting • road construction, maintenance and deactivation (includes related operational planning)	A clean opinion – Tanizul's timber harvesting and road construction, maintenance and deactivation activities complied with the Code in all significant respects. Report released Nov. 2000.
Small Business Forest Enterprise Program (SBFEP) **113,000 m3** (Mid Coast Forest District)	• timber harvesting • road construction, maintenance and deactivation (includes related operational planning)	A qualified opinion – Timber harvesting, road construction, maintenance and deactivation practices generally complied with the Code. The only significant non-compliance involved harvesting practices along the marine foreshore and road construction adjacent to a fish-bearing stream. Report released Nov. 2000.
Atco Lumber Ltd. **Forest Licence A20218** **20,167 m3** (Kootenay Lake Forest District)	• timber harvesting • road construction, maintenance and deactivation (includes related operational planning)	A clean opinion – Atco's operational planning and forest practices complied with Code requirements in all significant respects. Report released Dec. 2000.

Summary of Audits Completed in 2000

AUDITEE/ALLOWABLE ANNUAL CUT	ACTIVITIES AUDITED	FINDINGS
Evans Forest Products (currently LP Engineered Wood Products Ltd. **Tree Farm Licence 55** **100,000 m3** (Columbia Forest District)	• timber harvesting • road construction, maintenance and deactivation (includes related operational planning)	A clean opinion – Evans-LP's timber harvesting and road practices complied with Code requirements in all significant respects. The Board notes the high degree of compliance by Evans-LP in an operating area with steep terrain and a lot of snow. Report released Dec. 2000.
International Forest Products **Tree Farm Licence 54** **75,750 m3** (South Island Forest District)	• timber harvesting • road construction, maintenance and deactivation (includes related operational planning)	A clean opinion – Interfor's timber harvesting and road practices complied with Code requirements in all significant respects. Interfor also complied with the relevant recommendations of the Clayoquot Sound Scientific Panel in all significant respects. Report released Dec. 2000.
Skeena Cellulose Inc. **Forest Licence A16829** **123,000 m3** (Bulkley Forest District)	• timber harvesting • road construction, maintenance and deactivation (includes related operational planning)	A clean opinion – Skeena's timber harvesting and road practices complied with Code requirements in all significant respects. Report released Dec. 2000.

TABLE 2 – Summary of Compliance Audits Undertaken in 2000

AUDITEE/ALLOWABLE ANNUAL CUT	LOCATION	STATUS (AT DEC. 31, 2000)	ACTIVITIES AUDITED
Skeena Cellulose Inc. **Forest Licence A16829** **94,000 m^3**	**Bulkley Forest District**	**report released**	**Timber harvesting and road construction, maintenance and deactivation**
Weldwood of Canada Ltd. **Forest Licence A20017** **504,062 m^3**	Williams Lake Forest District	ongoing	Timber harvesting and road construction, maintenance and deactivation
Ainsworth Lumber **Forest Licence A18690** **209,000 m^3**	**Kamloops Forest District**	**ongoing**	**Operational planning, timber harvesting, road construction, maintenance and deactivation, silviculture and fire protection**
Small Business Forest Enterprise Program **234,250 m^3**	Kamloops Forest District	ongoing	Timber harvesting and road construction, maintenance and deactivation
Small Business Forest Enterprise Program **105,000 m^3**	**Robson Valley Forest District**	**ongoing**	**Operational planning, timber harvesting, road construction, maintenance and deactivation, silviculture and fire protection**
West Fraser Mills **Forest Licence A16827** **713,896 m3**	Morice Forest District	ongoing	Timber harvesting and road construction, maintenance and deactivation
International Forest Products Ltd., West Coast Division **TFL #54** **220,000 m^3**	**South Island Forest District**	**report released**	**Timber harvesting and road construction, maintenance and deactivation**
Tanizul Timber Ltd. **TFL #42** **120,000 m^3**	Fort St. James Forest District	report released	Timber harvesting and road construction, maintenance and deactivation
Atco Lumber Ltd. **Forest Licence A20218** **20,167 m^3**	**Kootenay Lake Forest District**	**report released**	**Operational planning, timber harvesting, road construction, maintenance and deactivation, silviculture and fire protection**
Evans Forest Products Ltd., a Division of Louisiana-Pacific Canada Engineered Wood Products Ltd. **TFL #55** **100,000 m^3**	Columbia Forest District	report released	Timber harvesting and road construction, maintenance and deactivation

TABLE 2 – Summary of Compliance Audits Undertaken in 2000

AUDITEE/ALLOWABLE ANNUAL CUT	LOCATION	STATUS (AT DEC. 31, 2000)	ACTIVITIES AUDITED
Skeena Cellulose Inc. **Forest Licence A16829** **94,000 m^3**	Bulkley Forest District	report released	Timber harvesting and road construction, maintenance and deactivation
Weldwood of Canada Ltd. **Forest Licence A20017** 504,062 m^3	Williams Lake Forest District	ongoing	Timber harvesting and road construction, maintenance and deactivation
Ainsworth Lumber **Forest Licence A18690** **209,000 m^3**	Kamloops Forest District	ongoing	Operational planning, timber harvesting, road construction, maintenance and deactivation, silviculture and fire protection
Small Business Forest Enterprise Program 234,250 m^3	Kamloops Forest District	ongoing	Timber harvesting and road construction, maintenance and deactivation
Small Business Forest Enterprise Program **105,000 m^3**	Robson Valley Forest District	ongoing	Operational planning, timber harvesting, road construction, maintenance and deactivation, silviculture and fire protection
West Fraser Mills **Forest Licence A16827** 713,896 m3	Morice Forest District	ongoing	Timber harvesting and road construction, maintenance and deactivation
International Forest Products Ltd., West Coast Division **TFL #54** **220,000 m^3**	South Island Forest District	report released	Timber harvesting and road construction, maintenance and deactivation
Tanizul Timber Ltd. **TFL #42** **120,000 m^3**	Fort St. James Forest District	report released	Timber harvesting and road construction, maintenance and deactivation
Atco Lumber Ltd. **Forest Licence A20218** **20,167 m^3**	Kootenay Lake Forest District	report released	Operational planning, timber harvesting, road construction, maintenance and deactivation, silviculture and fire protection
Evans Forest Products Ltd., a Division of Louisiana-Pacific Canada Engineered Wood Products Ltd. **TFL #55** **100,000 m^3**	Columbia Forest District	report released	Timber harvesting and road construction, maintenance and deactivation

Forest Practices Board Audit Locations

2000 COMPLIANCE AND ENFORCEMENTS AUDITS

Compliance

1. International Forest Productions Ltd. West Coast Division TFL 54
2. Weldwood of Canada Ltd. FL A20017
3. Tanizul Timber Ltd. TFL 43
4. Atco Lumber Ltd. FL A20218
5. Ainsworth Lumber Co. Ltd. Fla A18690
6. Skeena Cellulose Inc. FL A16829
7. Kamloops Forest District Small Business Forest Enterprise Program
8. Robson Valley Forest District Small Business Forest Enterprise Program
9. West Fraser Mills FL A16827
10. Evans Forest Products, A Division of Louisiana-Pacific Canada Engineered Wood Products Ltd. (Currently LP Engineered Wood Products Ltd.) TFL 55

Enforcement

11. Pilot Audit of the Appropriateness of Government's Enforcement in the Vernon Forest District Area

INVESTIGATING FOREST PRACTICES & CODE COMPLIANCE

THE FOREST PRACTICES BOARD HEARS AND investigates complaints from the public about operational planning, forest practices or enforcement of the Code. The Board must investigate complaints within its jurisdiction, unless the Chair is of the opinion that there is a reason to refuse, consistent with the reasons set out in the Code.

ACCOMPLISHMENTS IN 2000

This past year saw the Board handle more complaints than in previous years, which indicates a greater public understanding of our role in B.C.'s forests. The number of complaints received is rising each year, from four in the Board's first year to 37 this past year.

The Board's response time has also improved over the past year as a result of a full staffing complement for the first time since the Board's inception. Complaints are being addressed more quickly, which is good for the complainant, the licensee, regulatory agencies and usually for the land base itself.

One of the factors allowing us to process complaints more quickly was the use of alternative dispute resolution. This past year dispute resolution methods were used in a few files and were effective in resolving one complaint to the satisfaction of both parties without the need for a Board report on the matter. Just as dispute resolution is proving successful in reducing backlogs in the courts and other tribunals, it's fair to expect it will continue to help the Forest Practices Board address public complaints quickly and effectively, where it's appropriate. The Board's complaint analysts routinely look for opportunities to use this method to resolve the dispute, or they encourage the participants to do so.

RECURRING THEMES

Each investigation by the Forest Practices Board is a brand new situation: no two are alike. However there are recurring themes in complaints. Over this past year, the Board noted a number of common themes in key areas.

Planning

It is becoming clear that government must do more to ensure that higher level plan provisions are clear, understandable and measurable, so that consistency of the Code's operational plans with these provisions can be monitored.

The last investigation report released in 2000, on the Cariboo Chilcotin Land Use Plan (CCLUP), illustrates this point. This special investigation pointed out how government's higher level plan Order-In-Council was vague and the interpretations by other government agencies were sometimes contradictory. This contributed to conflict and disagreement about implementation of the higher level plan in the Cariboo. The Board made a number of recommendations to government toward ensuring that higher level plans are more successfully implemented in the future.

Similarly, the Board noted that landscape unit planning needs to be a higher priority for government. These plans are essential for effective management of forest resources. For example, an investigation at Mount Elphinstone on the Sunshine Coast last year found that the forest district manager did consider all available information in approving a road and cutblock in an area of disputed importance for biodiversity and his decision was reasonable. However the Board reported that landscape unit planning was essential for that area to provide better consideration for the area's various ecosystem values.

Public review and comment on plans

The public's right to review and comment on forest development plans is an important provision of the Code. For the public review process to work the way it should, forest development plans must be well organized and contain all of the content required by the Code. If the public doesn't know what the Code requirements are when reviewing these plans, it's difficult to fully understand what they mean.

One investigation in the Fort St. James Forest District last year provides a clear example of the importance of public review for forest development plans. There, the Board found deficiencies in the forest development plans that two licensees put out for public review. Those plans lacked adequate information about stream and wetland classification and about mountain pine beetle management, a serious forest health concern in the area. Information was missing on forest cover, topography, water, fish, wildlife and biodiversity. There was also insufficient justification for cutblocks as large as 500 hectares where the Code prescribes a standard maximum of 60 hectares. The licensees consulted in detail with 11 local forest users, but barely contacted the larger affected population of about 70,000 people.

In response to these findings, the Board recommended that the two licensees involved produce well-organized forest development plans that meet the full content requirements of the Code and develop better strategies for managing beetles and dealing with extraordinary soil conditions before they develop new areas for logging. The Board also recommended that the district manager make sure forest development plans meet Code content requirements before they are approved.

The Board is also encouraging increased efforts to inform the public about forest development plans. Newspaper ads are not always enough to inform the public about opportunities to review and comment on forest development plans. Radio, Internet and direct mailouts should also be considered.

Gaps in the Code regarding environmental protection

Investigations over the past year pointed to an area where the Code isn't meeting one of its objectives of environmental protection. Referring again to the investigation just mentioned, the Board found that fine soils sensitive to disturbance during forest practices can be found in many types of terrain, but current Code provisions tend to deal with such problem soils only on steep slopes. Noting this gap in the course of the investigation, the Board recommended the Ministry of Forests look at how to implement forest planning measures that detect and consider problem soils on gently-sloped areas as well as steeply-sloped areas.

Sound forest management during insect and disease epidemics

Various pest infestations had a significant impact on British Columbia's forests last year, and this continues to be a major issue for licence holders, government and all users of the public forest. In the course of investigating a complaint about how district managers planned to harvest timber in the Robson Valley Forest District that had been defoliated by a hemlock looper infestation, the Board determined that those forest managers were generally proactive in the way they addressed forest health issues like pests. But the Board also said they should make extra efforts to conserve biodiversity when it's necessary to cut large blocks for salvage of timber or control of insects or diseases.

Integrated and effective enforcement of the Code

One of the most important and challenging investigations conducted by the Board in 2000 involved the Kemess mine power line discussed in more detail on page 26 of the 2000 Annual Report. It illustrated how all three Code government ministries – the Ministries of Forests, Environment, Lands and Parks and Energy and Mines – must work together better in monitoring and enforcing large construction projects, and must develop contingency plans in case the project proponent fails to perform adequately. This is especially important where major projects such as power lines are approved by government on the assumption that the Code will be adhered to and enforced.

Taken together, all the new developments the Board saw come out of the investigation of public complaints this year will help further our goal of encouraging sound forest management. This begins with comprehensive, understandable planning, including effective public review and comment. It means care must be taken in managing the forest resource when dealing with forest health concerns such as pest infestations. It means taking a critical look at gaps in the Code and looking at ways to close them. And it means closer co-ordination in enforcement measures between regulatory agencies. In 2000, the Board saw how vital each of those factors is to sound forest practices in B.C.

TRENDS

The Board noted a trend in 2000 in the increase in public use of the Board's complaint investigation function. The number of incoming concerns from the public increased from a previous high of 49 to 62. Of those, 37 became formal complaints, up from 28 in 1999. The number of complaints investigated also increased – from 16 in 1999 to 23 last year, an increase of about 22 percent. The number of public complaints received and investigated continues to rise every year, indicating a greater awareness of the Board's function, a greater relevance of its work in promoting sound forest practices and improved performance by the Board.

The types of complaints received in 2000 were slightly different from other years. There were three complaints about public input into operational planning, the same as the previous year, but more (11, compared to nine last year) about whether approved plans or practices were effective in managing and conserving the full range of forest resources. Those resources include biological diversity, wildlife habitats, water, recreation, range and old growth.

Complaints in 2000 tended to focus on how regulatory agencies approve operational plans, rather than how licensees behave. There continued to be complaints about government enforcement of the Code, especially in the northern part of the province.

The good news there is that the Code ministries are moving toward having decision-makers provide written reasons for their decisions. In past years, the Board found this to be lacking.

If these trends are as they appear, it means the Board need not repeat past recommendations; they are being applied in practice by the Code ministries. This is somewhat offset by an increasing reliance of the public on the Board to investigate complaints and recommend improvements. But as long as there is increasing public demand for investigations, increased implementation of Board recommendations and improvements made by those operating in the public forest land, forestry practices will continue to evolve and improve.

BEING INFORMED

It's true that the Board mostly makes recommendations to forest operators and regulators in B.C., but it's not always a one-way street. The Board welcomes feedback from the public and from those it investigates. For example, last year the Ministry of Forests recommended a less formal procedure in following up on government response to Board recommendations. Board staff responded by agreeing to communicate on recommendations using more informal means of correspondence (such as telephone and email) until final government responses had been worked out. This had the effect of improving the working relationship between the Board and the ministry, and making recommendations more effective.

ACCOUNTABILITY

In the 1999 Forest Practices Board Annual Report, the Board set itself some goals around improving the timeliness of complaint investigations. We also hoped to put more effort into resolving complaints before and during investigations and in increasing public visibility.

These goals were accomplished in 2000. The backlog of old complaints was almost eliminated. Additional efforts were and are being applied to resolving rather than just reporting on complaints, and more community meetings were attended to allow staff to be informed by the public.

The Board had hoped in 2000 to test the effectiveness of oral hearings as a way of collecting responses to draft reports and resolving complaint issues on-site. This goal was not accomplished, but work is continuing toward making it a reality.

FUTURE DIRECTION

The Board is always looking for ways to speed up the resolution and reporting of complaints. Complaints in 2000 took an average of 14 months to complete, which is similar to 1999 but an improvement over previous years. We plan to reduce the average investigation time to within one year in 2001.

The Board will also develop and put in place a formal and detailed tracking process for all past investigation report recommendations. This will ensure follow-up in all cases if the response to recommendations has been lacking or inadequate.

TABLE 3 – Complaints Received in 2000

FPB FILE NUMBER AND NAME	DATE RECEIVED	FOREST DISTRICT	COMPLAINT	ACTION	YEAR-END STATUS
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Cranbrook Salvage #000225	Jan. 6, 2000	Cranbrook Forest District	Ministry of Forests in Cranbrook and Crestbrook Forest Industries (Tembec) failed to harvest snow-damaged timber around the town of Elkford, even though some of the timber was easily accessible from existing roads.	Complaint withdrawn	Closed
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
July Creek #990223	Jan. 25, 2000	Boundary Forest District	A ratepayers' association was not treated fairly during the July Creek interior watershed assessment procedure. Concerns about arsenic and equivalent clearcut area were downplayed.	Do not investigate	Closed
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Moldowan Forest Road #000229	Feb. 21, 2000	Prince George Forest District	The Ministry of Forests approved a forest development plan and an expansion of the boundaries of a woodlot contrary to the Forest Practices Code of British Columbia Act, Forest Act and Woodlot Licence Forest Management Regulation.	Investigate	Open – under investigation
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Midway Woodlot #000236	Apr. 12, 2000	Boundary Forest District	The district manager failed to appropriately enforce the Code on a woodlot.	Investigate	Closed and report released
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Elaho Valley #000241	May 25, 2000	Squamish Forest District	Trail building permits and the Forest Practices Code are being violated.	Complaint withdrawn	Closed

TABLE 3 – Complaints Received in 2000

FPB FILE NUMBER AND NAME	DATE RECEIVED	FOREST DISTRICT	COMPLAINT	ACTION	YEAR END STATUS
Elk River Road #000224	Jan. 6, 2000	Cranbrook Forest District	The Ministry of Forests in Cranbrook did not properly repair the Elk Valley forest service road north of Elkford.	Investigate	Closed and report released
Cranbrook Salvage #000225	Jan. 6, 2000	Cranbrook Forest District	Ministry of Forests in Cranbrook and Crestbrook Forest Industries (Tembec) failed to harvest snow-damaged timber around the town of Elkford, even though some of the timber was easily accessible from existing roads.	Complaint withdrawn	Closed
Siska Creek #000226	Jan. 17, 2000	Lillooet Forest District	The licensee contravened the Code by inadequately controlling drainage and by harvesting inappropriately in riparian management areas.	Investigate	Resolved
July Creek #990223	Jan. 25, 2000	Boundary Forest District	A ratepayers' association was not treated fairly during the July Creek interior watershed assessment procedure. Concerns about arsenic and equivalent clearcut area were downplayed.	Do not investigate	Closed
Axel Creek #000228	Feb. 10, 2000	Clearwater Forest District	The conservation of both domestic and irrigation water in the Axel and McCarthy Creek Community Watersheds has not been planned for.	Do not investigate	Closed
Moldowan Forest Road #000229	Feb. 21, 2000	Prince George Forest District	The Ministry of Forests approved a forest development plan and an expansion of the boundaries of a woodlot contrary to the Forest Practices Code of British Columbia Act, Forest Act and Woodlot Licence Forest Management Regulation.	Investigate	Open – under investigation
Sunshine #000234	Mar. 13, 2000	Sunshine Coast Forest District	The district manager failed to conserve biodiversity in the Sechelt supply block of the Sunshine Coast Forest District.	Investigate	Open – under investigation
Midway Woodlot #000236	Apr. 12, 2000	Boundary Forest District	The district manager failed to appropriately enforce the Code on a woodlot.	Investigate	Closed and report released
Ingram Creek Range Use #000238	May 9, 2000	Boundary Forest District	Cattle have caused damage to Ingram Creek and the Ministry of Forests is not ensuring that range use plan objectives are being met.	Investigate	Closed and report released
Elaho Valley #000241	May 25, 2000	Squamish Forest District	Trail building permits and the Forest Practices Code are being violated.	Complaint withdrawn	Closed

Complaints Received in 2000

FPB FILE NUMBER AND NAME	DATE RECEIVED	FOREST DISTRICT	COMPLAINT	ACTION	YEAR END STATUS
Brand Murrelets #000242	May 29, 2000	South Island Forest District	The 1999-2001 forest development plan for the Brand Valley area of the South Island Small Business Forest Enterprise Program poses an unreasonable threat to the habitat of marbled murrelets.	Investigate	Open – under investigation
Lussier River #000243	May 31, 2000	Invermere Forest District	The Lussier River watershed has been degraded by negligent logging practices, with severe damage to public and private property, degradation of fish habitat and negative hydrological change.	Investigate	Open – under investigation
Westfall River Timber Sale #000244	June 12, 2000	Kootenay Lake Forest District	The Ministry of Forests awarded a forest licence in error, and the administrative process should be examined for fairness.	Do not investigate	Closed
Crescent Bay #000245	June 15, 2000	Kootenay Lake Forest District	A licensee's 2000-2004 forest development plan (FDP) does not address decisions made by the Sitkum & Crescent Bay Interior Watershed Committee, nor does it adequately address other forest values such as slope stability, fish habitat, visual quality, and forest health.	Do not investigate	Closed
Haylmore Creek #000239	June 16, 2000	Squamish Forest District	Operational plans and road construction under the Small Business Forest Enterprise Program for a huge cutblock above the complainant's subdivision did not adequately manage wildlife or recreation, and there was inadequate opportunity for public review.	Do not investigate	Closed
Tunkwa #000246	June 19, 2000	Kamloops Forest District	The Ministry of Forests and the Ministry of Environment, Lands and Parks are not ensuring that operational plans are being implemented in a manner consistent with those elements of the Kamloops Land and Resources Management Plan that have been declared higher level plans.	Do not investigate	Closed
Hasty/Vevey #000247	June 28, 2000	Arrow Forest District	Construction work to upgrade the Hewitt Mine Road in the Hasty/Vevey domestic watershed may have breached the Forest Road Regulation due to not ensuring proper drainage.	Do not investigate	Closed
Soards Creek #000248	June 29, 2000	Columbia Forest District	Timber was felled several years ago and left on or adjacent to Crown land, creating a fire hazard.	Compliant withdrawn	Closed
Road 200 #000249	July 18, 2000	Arrow Forest District	A section of the Branch 200 road was planned without proper approval to go through the riparian management area of a wetland. Some or all of the planning documents failed to show the wetland correctly.	Investigate	Open – under investigation

Complaints Received in 2000

FPB FILE NUMBER AND NAME	DATE RECEIVED	FOREST DISTRICT	COMPLAINT	ACTION	YEAR END STATUS
Goat River #000250	July 19, 2000	Robson Valley Forest District	A forest development plan does not adequately conserve recreation resources, cutblocks larger than 60 hectares were wrongly approved and a proposed road is improperly located on the bank of a S1 stream.	Investigate	Open – under investigation
Mount Connolly #000254	Aug 9, 2000	Port McNeill Forest District	The Ministry of Forests approved helicopter logging when skyline logging might have been more reasonable.	Do not investigate	Closed
Salmon Arm Timber Sales #000260	Sept. 12, 2000	Salmon Arm Forest District	The Ministry of Forests' investigation and enforcement of trespass and theft of timber was inappropriate.	Investigate	Open – under investigation
Kemp Lake #000266	Sept. 15, 2000	South Island Forest District	Water quality was affected by two cutblocks in the Kemp Lake watershed.	Investigate	Closed (see Investigation #000270)
Oliver Range #000267	Sept. 26, 2000	Penticton Forest District	A rancher is allowing his cattle to graze on Crown land without authorization and government enforcement of the Code is inappropriate.	Investigate	Open – under investigation
Cummins Road Extension #000269	Sept. 28, 2000	Columbia Forest District	Inadequate public review of forest development plan amendments, transfer of timber between communities and new access to caribou and grizzly habitats.	Investigate	Open – under investigation
Kemp Lake #000270	Oct. 2, 2000	South Island Forest District	Water quality was affected by two cutblocks in the Kemp Lake watershed.	Investigate	Open – under investigation
Kemp Lake #000262	Oct. 3, 2000	South Island Forest District	Water quality was affected by two cutblocks in the Kemp Lake watershed.	Investigate	Closed (see Investigation #000270)
Kemp Lake #000271	Oct. 3, 2000	South Island Forest District	Water quality was affected by two cutblocks in the Kemp Lake watershed.	Investigate	Closed (see Investigation #000270)

Complaints Received in 2000

FPB FILE NUMBER AND NAME	DATE RECEIVED	FOREST DISTRICT	COMPLAINT	ACTION	YEAR-END STATUS
Brand Murrelets #000242	May 29, 2000	South Island Forest District	The 1999-2001 forest development plan for the Brand Valley area of the South Island Small Business Forest Enterprise Program poses an unreasonable threat to the habitat of marbled murrelets.	Investigate	Open – under investigation
Lussier River #000243	May 31, 2000	Invermere Forest District	The Lussier River watershed has been degraded by negligent logging practices, with severe damage to public and private property, degradation of fish habitat and negative hydrological change.	Investigate	Open – under investigation
Westfall River Timber Sale #000244	June 12, 2000	Kootenay Lake Forest District	The Ministry of Forests awarded a forest licence in error, and the administrative process should be examined for fairness.	Do not investigate	Closed
Crescent Bay #000245	June 15, 2000	Kootenay Lake Forest District	A licensee's 2000-2004 forest development plan (FDP) does not address decisions made by the Sitkum & Crescent Bay Interior Watershed Committee, nor does it adequately address other forest values such as slope stability, fish habitat, visual quality, and forest health.	Do not investigate	Closed
Haylmore Creek #000239	June 16, 2000	Squamish Forest District	Operational plans and road construction under the Small Business Forest Enterprise Program for a huge cutblock above the complainant's subdivision did not adequately manage wildlife or recreation, and there was inadequate opportunity for public review.	Do not investigate	Closed
Tunkwa #000246	June 19, 2000	Kamloops Forest District	The Ministry of Forests and the Ministry of Environment, Lands and Parks are not ensuring that operational plans are being implemented in a manner consistent with those elements of the Kamloops Land and Resources Management Plan that have been declared higher level plans.	Do not investigate	Closed
Hasty/Vevey #000247	June 28, 2000	Arrow Forest District	Construction work to upgrade the Hewitt Mine Road in the Hasty/Vevey domestic watershed may have breached the Forest Road Regulation due to not ensuring proper drainage.	Do not investigate	Closed
Soards Creek #000248	June 29, 2000	Columbia Forest District	Timber was felled several years ago and left on or adjacent to Crown land, creating a fire hazard.	Compliant withdrawn	Closed
Road 200 #000249	July 18, 2000	Arrow Forest District	A section of the Branch 200 road was planned without proper approval to go through the riparian management area of a wetland. Some or all of the planning documents failed to show the wetland correctly.	Investigate	Open – under investigation

Complaints Received in 2000

FPB FILE NUMBER AND NAME	DATE RECEIVED	FOREST DISTRICT	COMPLAINT	ACTION	YEAR-END STATUS
Goat River #000250	July 19, 2000	Robson Valley Forest District	A forest development plan does not adequately conserve recreation resources, cutblocks larger than 60 hectares were wrongly approved and a proposed road is improperly located on the bank of a S1 stream.	Investigate	Open – under investigation
Mount Connolly #000254	Aug 9, 2000	Port McNeill Forest District	The Ministry of Forests approved helicopter logging when skyline logging might have been more reasonable.	Do not investigate	Closed
Salmon Arm Timber Sales #000260	Sept. 12, 2000	Salmon Arm Forest District	The Ministry of Forests' investigation and enforcement of trespass and theft of timber was inappropriate.	Investigate	Open – under investigation
Kemp Lake #000266	Sept. 15, 2000	South Island Forest District	Water quality was affected by two cutblocks in the Kemp Lake watershed.	Investigate	Closed (see Investigation #000270)
Oliver Range #000267	Sept. 26, 2000	Penticton Forest District	A rancher is allowing his cattle to graze on Crown land without authorization and government enforcement of the Code is inappropriate.	Investigate	Open – under investigation
Cummins Road Extension #000269	Sept. 28, 2000	Columbia Forest District	Inadequate public review of forest development plan amendments, transfer of timber between communities and new access to caribou and grizzly habitats.	Investigate	Open – under investigation
Kemp Lake #000270	Oct. 2, 2000	South Island Forest District	Water quality was affected by two cutblocks in the Kemp Lake watershed.	Investigate	Open – under investigation
Kemp Lake #000262	Oct. 3, 2000	South Island Forest District	Water quality was affected by two cutblocks in the Kemp Lake watershed.	Investigate	Closed (see Investigation #000270)
Kemp Lake #000271	Oct. 3, 2000	South Island Forest District	Water quality was affected by two cutblocks in the Kemp Lake watershed.	Investigate	Closed (see Investigation #000270)

Complaints Received in 2000

FPB FILE NUMBER AND NAME	DATE RECEIVED	FOREST DISTRICT	COMPLAINT	ACTION	YEAR END STATUS
Kemp Lake Timber Sales #000272	Oct. 3, 2000	South Island Forest District	Failure to give preference to local contractors in awarding three timber sales under the Small Business Forest Enterprise Program (2000-2004) forest development plan in Kemp Lake Watershed District.	Do not investigate	Closed
Perris Creek #000268	Oct. 4, 2000	Salmon Arm Forest District	The Ministry of Forests has planned harvesting upslope of complainant's watershed, who was not consulted despite years of expressions of concern.	Do not investigate	Closed
Kemp Lake #000274	Oct. 16, 2000	South Island Forest District	Water quality was affected by two cutblocks in the Kemp Lake watershed.	Investigate	Closed (see Investigation #000270)
Babine Lake Salvage #000275	Oct. 23, 2000	Morice Forest District	A licensee inadequately consulted with a business operator in the area and salvage harvesting of beetle-infected timber will not adequately protect the forest resources this business relies upon.	Do not investigate	Closed
Hall Creek #000240	Dec. 7, 2000	Kootenay Lake Forest District	A licensee is cutting immature timber (70 years old) and the Ministry of Forests is arbitrarily awarding forest companies the right to harvest areas that were previously being considered for woodlot licences.	Investigate	Open – under investigation
Perris Creek #000283	Dec. 13, 2000	Salmon Arm Forest District	Notification of the opportunity to review a 1998 Small Business Forest Enterprise Program forest development plan in the Salmon Arm Forest District was inadequate.	None	Under assessment
Morrison Arm Salvage #000284	Dec. 13, 2000	Morice Forest District	Administrative review and investigation is sought into the approval of an amendment to a forest development plan, as the amendment may not ensure adequate management and conservation of all forest resources.	None	Under assessment

Complaints Received in 2000

FPB FILE NUMBER AND NAME	DATE RECEIVED	FOREST DISTRICT	COMPLAINT	ACTION	YEAR-END STATUS
Kemp Lake Timber Sales #000272	Oct. 3, 2000	South Island Forest District	Failure to give preference to local contractors in awarding three timber sales under the Small Business Forest Enterprise Program (2000-2004) forest development plan in Kemp Lake Watershed District.	Do not investigate	Closed
Perris Creek #000268	Oct. 4, 2000	Salmon Arm Forest District	The Ministry of Forests has planned harvesting upslope of complainant's watershed, who was not consulted despite years of expressions of concern.	Do not investigate	Closed
Kemp Lake #000274	Oct. 16, 2000	South Island Forest District	Water quality was affected by two cutblocks in the Kemp Lake watershed.	Investigate	Closed (see Investigation #000270)
Babine Lake Salvage #000275	Oct. 23, 2000	Morice Forest District	A licensee inadequately consulted with a business operator in the area and salvage harvesting of beetle-infected timber will not adequately protect the forest resources this business relies upon.	Do not investigate	Closed
Hall Creek #000240	Dec. 7, 2000	Kootenay Lake Forest District	A licensee is cutting immature timber (70 years old) and the Ministry of Forests is arbitrarily awarding forest companies the right to harvest areas that were previously being considered for woodlot licences.	Investigate	Open – under investigation
Perris Creek #000283	Dec. 13, 2000	Salmon Arm Forest District	Notification of the opportunity to review a 1998 Small Business Forest Enterprise Program forest development plan in the Salmon Arm Forest District was inadequate.	None	Under assessment
Morrison Arm Salvage #000284	Dec. 13, 2000	Morice Forest District	Administrative review and investigation is sought into the approval of an amendment to a forest development plan, as the amendment may not ensure adequate management and conservation of all forest resources.	None	Under assessment

IN ADDITION TO AUDITS AND INVESTIGATIONS of complaints, the Board undertakes special investigations and provides reports to the public and three ministers (Forests, Energy and Mines and Environment, Lands and Parks) about matters relating to the Board's duties and important forestry issues related to the Code. It differs from the audits and investigations role in that the reports aren't random or generated by public complaints. This is where the Board members choose the scope and subject matter they investigate and report on. Special projects are often sparked by observations in the course of regular audits and investigations.

ACCOMPLISHMENTS IN 2000

For several years, the Board has wanted to take a close look at forest development planning, and we accomplished that goal in 2000. The Board's broad-based review of the forest development planning process in British Columbia looked at the current status of forest development planning and the agency and public consultation process. Over 360 people were interviewed and 18 forest development plans examined. Input was sought from government, industry, First Nations, ranchers, trappers, tourism operators, loggers, environmentalists and community groups. The Board's past work was also examined. The work led to Board recommendations for significant change in the way forest development planning takes place in B.C., with more emphasis on planning at the landscape, or watershed, level. On page 26 of this report we discuss the results of this special project in greater detail.

The Kemess special investigation, carried out by the complaints investigation staff, was a significant project undertaken by the Board last year. This special investigation revealed significant breaches of the Forest Practices Code and confirmed the Board's concerns that government ministries are not co-ordinating their efforts to enforce the Code, as discussed in last year's annual report. Given its importance, a special section discussing the report is on page 24.

The Board also issued a special report on section 40 of the Code last year, the section which sets out the standards for Small Business Forest Enterprise Program (SBFEP) forest development plans. As it reads now, the Code applies a different standard to SBFEP plans than it does to those prepared by licensees. Plans prepared by licensees must specifically meet the section 41(1)(b) Code requirement that the plan must "adequately manage and conserve forest resources." Section 40 of the Act, which deals with SBFEP plans, contains no such requirement. The Board reiterated a previous recommendation to amend Section 40 of the Code to require SBFEBs to meet the provisions of section 41(1)(b) of the Code. This would require district managers to be satisfied that government's own operational plans for the SBFEB will "adequately manage and conserve forest resources" before they approve them.

In its Section 40 report, the Board also recommended amending the *Administrative Review and Appeal Regulation* to give the Board the ability to appeal the approval of, and request administrative reviews of, SBFEP forest development plans. This would make government ministry plans subject to Board scrutiny, which licensee plans are already subject to. These recommendations have been delivered to the three Code ministers for their consideration.

A common issue in much of the work undertaken by the Board last year relates to the definition of section 41 of the Code, regarding "adequately managing and conserving forest resources." In response to a request from the forests and environment ministers, the Board agreed to prepare a special report on the effectiveness of section 41 in meeting the intent of the Forest Practices Code as set out in the preamble to the Code. This report will be released in 2001.

While visiting the Peace River area during the FDP project last summer, the Board became aware of possible damage to streams caused by snow-fill crossings used during seismic line clearing. This is a forest practice regulated by the Forest Practices Code. As a result, the Board initiated a special investigation to find out more about the specific instance of concern, and also about how the Code is being enforced for oil and gas activities. The Board will be preparing a report on the results of its investigation of the snow-fill crossings, and a separate report on enforcement of the Code for oil and gas activities in 2001.

Power Line Investigation Finds Significant Breaches

THE YEAR 2000 SAW COMPLETION OF THE Board's first special investigation showing significant breaches of the Code. *Significant Breaches of the Forest Practices Code along the Power Line Corridor for the Kemess South Mine* was released in June after more than two years of investigation.

It all began for the Board in 1998 when a resident living near the Kemess South Mine's power line corridor complained that his drinking water was being soiled as a mining company cleared land for a power line. Board staff looked into the matter and noticed that not only was the clearing affecting the complainant's stream, there was evidence of non-compliance elsewhere along the 380-kilometre power line route.

Investigators decided the apparent failure to comply with the Code noticed on their initial site visit was enough to warrant a broader look at the entire Kemess power line. A special investigation was launched.

Kemess South Mine, operated at the time by Royal Oak Mines Inc., is a large gold and copper mine about 300 kilometres northwest of Mackenzie and close to the same distance northeast of Smithers, B.C. As part of mine development, Royal Oak started clearing a path for a power line in 1997. The power line runs from Williston Lake near Mackenzie to the mine site near Thutade Lake.

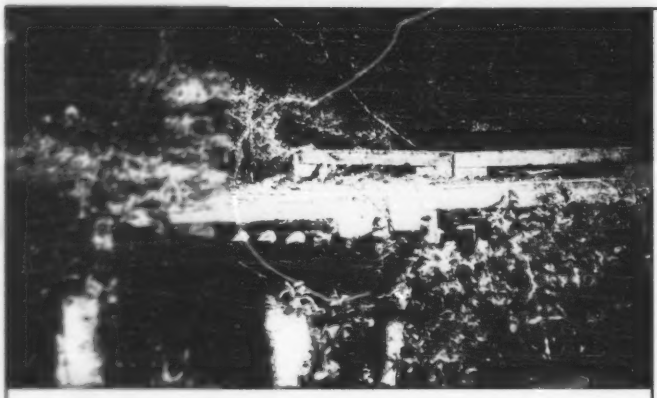
In order to clear the space for 1,400 transmission towers and the power line, workers had to remove about 10,000 truckloads of timber from the area. Temporary roads and bridges were needed to get the logs out of the corridor. Once a logging plan was approved to remove trees and build roads and bridges, the work became subject to the Forest Practices Code.

Since such a power line is a major project, Royal Oak had to undergo an extensive review process under B.C.'s *Environmental Assessment Act* before construction or clearing could begin. The project was approved in 1996, but habitat concerns remained because of an abundance of fish-bearing streams along the proposed power line route. The approval relied in part on compliance with, and enforcement of, the Forest Practices Code.

INVESTIGATORS DECIDED THE APPARENT FAILURE TO COMPLY WITH THE CODE NOTICED ON THEIR INITIAL SITE VISIT WAS ENOUGH TO WARRANT A BROADER LOOK AT THE ENTIRE KEMESS POWER LINE. A SPECIAL INVESTIGATION WAS LAUNCHED.

About a year into construction of the power line, the company ran into financial difficulty and met with the Ministry of Environment, Lands and Parks to discuss changing its plans. Royal Oak said it likely could not afford to complete all the logging plan requirements for removing temporary bridges, stabilizing soil at risk for erosion, deactivating roads or rehabilitating the clearing sites. The Ministry of Environment, Lands and Parks notified Royal Oak that the final say on changing plans would have to come from the Ministry of Forests. They added that the company should at least remove any structures infringing upon the high-water marks of any streams or channels, structures in wet areas or in areas with a high potential for erosion or silt deposit problems.

Royal Oak proposed its new plan to the Ministry of Forests, but did not receive any approval to delay clean-up after clearing.



About a year after Royal Oak sought to delay clean-up, in 1999, Board staff examined the power line and found significant breaches of the Code. These were reported to the Code ministers as well as the mining company and local ministry staff. Even though construction had been finished for a year, there were still more than 160 bridges in place along the power line. Most of the bridges had been built too low to allow large debris to pass under them so they were susceptible to being washed out. Many were too short to span streams or were supported on logs within the stream channel.

Some of the roads were producing sediment that was going into streams, which was causing significant harm to the environment. Fallen trees, logs and slash were also depositing sediment into more than 50 streams, disturbing the natural flow of many of them.

WHAT THEY DISCOVERED WAS THAT THE MINISTRIES RESPONSIBLE FOR OVERSEEING THE PROJECT – THE MINISTRIES OF ENERGY AND MINES, FORESTS, AND ENVIRONMENT, LANDS AND PARKS – WERE NOT ADEQUATELY ENFORCING THE CODE ALONG THE KEMESS POWER LINE.

As a result of all the breaches of the Code, the habitat of several species of Pacific salmon and trout was being damaged, as well as water and soil quality generally. The Board considered the environmental damage significant, and once they realized the scope of the damage, the Board looked into how the government handled the situation. What they discovered was that the ministries responsible for overseeing the project – the Ministries of Energy and Mines, Forests, and Environments, Lands and Parks – were not adequately enforcing the Code along the Kemess power line.

Initially, the Ministry of Energy and Mines was the lead ministry. It was supposed to conduct regular inspections along the power line and report findings to the other two ministries. They would all then decide which ministry was responsible for dealing with each situation. This division of responsibilities was ineffective. When problems were reported to either of the ministries, there was confusion as to where responsibility fell and which laws to enforce. As a result, many problems were not dealt with for more than a year.

Even after the breaches of the Code were reported to the ministers, the response from government was not adequate. Although aware of Board findings along the Kemess power line, government did not address the widespread non-compliance or the environmental harm caused by breaches of the Forest Practices Code. No overall co-ordinated action plan by either the mine or the government was developed to address the problems and much of the environmental damage had not been sufficiently addressed.

The Board presented its findings to both the mine and the responsible government ministries and recommended timelines for completing the clean up. The Board also publicly released its report to encourage accountability. At the end of 2000, the Board was still pushing for adequate clean-up and effective enforcement.

Since the investigation, the mine has replaced the drinking water supply of the person whose complaint launched this investigation, but the larger issues identified by the Board have not all been adequately addressed.

Landscape Planning Would Improve Forest Development Plans

A REVIEW OF THE FOREST DEVELOPMENT PLANNING PROCESS IN BRITISH COLUMBIA

A number of concerns and shortcomings with the forest development planning (FDP) process were revealed in Board audits and investigations between 1996 and 1999. As a result, the Board decided to undertake a comprehensive review of the FDP process to identify what is working effectively and what improvements could be made.

A Review of the Forest Development Planning Process in British Columbia was released by the Forest Practices Board in December 2000. This is a significant and important piece of work that has been well received by industry and government.

The review included evaluation of 18 FDPs from across British Columbia. Staff also interviewed more than 360 individuals and received feedback from government, the forest industry, First Nations groups, ranchers, trappers, tourism operators, loggers, environmentalists and community groups. A peer review committee was also established and comprised of many of these same groups with experience in forest development planning. The peer review committee reviewed the Board's findings and provided comments and advice to the Board on possible recommendations.

FDPs are prepared by forestry companies and the Small Business Forest Enterprise Program, and give information about where timber will be harvested and roads built over a five-year period. They also specify what measures will be taken to protect wildlife, fish, streams, soil, scenic values and other forest resources during forestry operations.

Before an FDP is approved, it must be made available for public review and comment for a 60-day period. Any comments received in writing have to be considered by the preparer of the plan.

In its review, the Board found that the legal framework currently in place is generally appropriate, but there is a lack of higher level plans in many parts of the province that is hindering the effectiveness of the FDP planning process. The content of FDPs was generally consistent with Code requirements and the main concerns arose when there were few strategic-level plans in place to guide the FDPs, or when the FDPs were not written clearly enough to be easily understood. The review also identified concerns that the Ministry of Environment, Lands and Parks is not playing as prominent a role in the plans as it could; in a couple of cases involvement was non-existent.

Round-table meetings for government agencies were deemed the most effective venue for government agency review. It is more likely in a round-table situation for issues to be both identified and addressed. Some government agencies expressed concerns that their input is not always considered or used in the planning.

The review found that the public is usually provided with adequate opportunity for review and comment on plans, but that the method of notification and the presentation of plan material are not always appropriate. Sometimes newspaper ads are vague and plan information is often too technical for the average person to understand.

Many interested parties said they'd like to be involved in the planning process sooner, before the formal review and comment period takes place.

Many interviewees expressed concern that plan preparers didn't listen to their comments. The Board found that the people preparing the plans were more likely to consider specific written comments than general or oral comments.

THE REVIEW FOUND THAT THE PUBLIC IS USUALLY PROVIDED WITH ADEQUATE OPPORTUNITY FOR REVIEW AND COMMENT ON PLANS, BUT THAT THE METHOD OF NOTIFICATION AND THE PRESENTATION OF PLAN MATERIAL ARE NOT ALWAYS APPROPRIATE.

The plans reviewed by the Board were generally consistent with objectives set out in higher level plans – if there was a higher level plan in place. Most of the people interviewed said they thought having a higher level plan improves the FDP process. The Board encountered a strong desire for government to implement landscape unit planning as soon as possible.

While current FDPs are achieving their purpose of setting out the proposed development of cutblocks and roads, there were many concerns that they aren't always effective at protecting other forest resources. Wildlife and biodiversity are two resources that were of the most concern.

In general, the Board found that the FDP process is most effective when the people involved have good working relationships and demonstrate a high level of commitment and professional ethics.

As a result of this review, the Board made several recommendations to government and asked that the government respond by the end of March 2001. The Board has recommended that government complete landscape unit plans as soon as possible and broaden their scope to address a broader range of forest resources and provide meaningful guidance to FDPs. Once landscape unit plans are in place, government should review Forest Practices Code requirements for FDPs and make changes to achieve streamlining and to increase flexibility to respond to changing circumstances.

IN GENERAL, THE BOARD FOUND THAT THE FDP PROCESS IS MOST EFFECTIVE WHEN THE PEOPLE INVOLVED HAVE GOOD WORKING RELATIONSHIPS AND DEMONSTRATE A HIGH LEVEL OF COMMITMENT AND PROFESSIONAL ETHICS.

Further, the Board recommended that government take steps to foster and encourage good working relationships based on co-operation and respect.

JUST AS COMPANIES CAN APPEAL FINES AND government orders, the Forest Practices Board can appeal both government decisions and the failure to make decisions. The Forest Practices Board also has a unique right to request reviews of forest development plan approvals under the Code where the public interest would be served by doing so.

The Board's role in reviews and appeals is different from the impartial role it plays in audits and complaint investigations. Here, the Board acts as an advocate for the public interest, asking the review panels and the Forest Appeals Commission to make decisions that will foster a fair, effective and efficient Code in support of sound forest practices.

ACCOMPLISHMENTS IN 2000

Overall, there were fewer government review decisions and fewer licensee appeals last year over previous years. However, there was an increase in public requests to the Board for forest development plan reviews.

In last year's annual report the Board described "Northwood Inc. v. the Forest Practices Board," in which a licensee was challenging the Board's ability to report on forest practices that comply with the Code. The B.C. Supreme Court upheld the Board's jurisdiction, but Northwood appealed the decision to the Court of Appeal. The appeal hearing took place in December 2000, but a decision has not yet been released. It remains a significant test of the Board's jurisdiction.

The Northwest Graham Island forest development plan review was argued and decided last year as well. Requested by a First Nations and environmental group, this review dealt with several significant issues, including when watershed assessments must be done and what must be done. There was a dissenting opinion in the review panel – the first time this has happened in a case the Board has brought to a panel. The panel decided against the Board, which has filed an appeal of the review panel decision with the Forest Appeals Commission.

In the last year, the Board made significant progress in addressing the issue of whether officials are adequately taking into account environmental impacts and other non-economic factors when setting penalties for Code contraventions. Three Board cases stand out.

Economic Benefit

At the very end of 1999, the Board concluded the first case on this topic. A Ministry of Forests district manager had fined a company almost $13,000 for excessive harvest across a substantial amount of riparian management area. A review panel examined the situation and upheld the district manager's findings, but reduced the penalty to zero.

The district manager based his $13,000 penalty solely on removing economic benefit from the company. He stated that there was no evidence that the riparian area was damaged or impaired. In eliminating the penalty, the review panel agreed there had been no environmental damage, and concluded that the company had received little or no economic benefit from the contravention.

The Board appealed the review decision, questioning the conclusion that there had been no environmental damage. The fact that the silviculture prescriptions had called for a substantial amount of tree retention along the stream was evidence that taking more timber than allowed would have environmental impacts.

The Board was also concerned by the review panel's conclusion that the trespass did not economically benefit the company, because the volume could have been taken elsewhere in the volume-based tenure. The Board was concerned about the precedent that could be set by a decision that there is not generally economic benefit in a volume-based tenure when wood is improperly taken. Such a precedent could have significant ramifications on trespass and riparian cases generally.

In the end, the Board's appeal to the Forest Appeals Commission was successful in restoring the original penalty and noting that such penalties should reflect both economic and non-economic factors.

Setting Penalties

The second case involved a Small Business Forest Enterprise Program mountain pine beetle salvage timber harvest near Takla Lake. The silviculture prescription restricted harvest in riparian zones next to a large wetland. Contrary to this requirement, the company clearcut an area of 2.15 hectares. The trees that were cut comprised virtually all of the last mature timber on the entire perimeter of the 20-hectare wetland. They provided significant habitat for a variety of wildlife and helped maintain the microclimate and wind cover of the wetland.

According to expert opinion, the unauthorized harvest could have an impact on the rest of the wetland, the diversity and number of organisms that use the wetland ecosystem, and could have an incremental negative effect on the heavily-harvested landscape unit's ability to support wildlife.

The district manager fined the company a total of $39,200 for clearcutting the 2.15 hectares, plus an additional .67 hectares that was not at issue in the appeal. The licensee appealed the fine to a review panel. The review panel referred the determination back to the district manager, along with instructions that the penalty should be reduced and that the penalty should recover only a portion of the economic benefit the licensee derived from the contravention.

The panel also gave instructions that the fine should impose no penalty whatsoever for damage to environmental values. In fact, instead of imposing a fine to reflect environmental damage, the panel concluded that effects on riparian values were minimal, justifying why the penalty should be reduced to only one-third of the profit made from the contravention.

The Board appealed the review panel decision. It asked the Forest Appeals Commission to instruct the district manager that the penalty should remove all the economic benefit that the licensee derived from the contravention, and that the penalty should take into account the impact on environmental and other Crown resources.

Significant Harm

The Forest Appeals Commission directed the district manager to issue a penalty that removed the licensee's profit from the unauthorized harvesting. They also directed the district manager to recalculate the penalty, considering the ecological impact of the contravention. The district manager is currently determining what the new penalty should be.

The final case on this issue involved the same complaint that led to the Kemess special investigation, described in detail on page 24.

The district manager of that forest region decided that the company clearing for the power line had contravened the logging plan in three creeks near the complainant's lodge, including the creek that supplied the lodge owner's summer drinking water. The district manager found that the licensee had failed to carry out forest practices in accordance with the logging plan, and though he acknowledged that a penalty of $50,000 is the maximum for a contravention of the Code section this activity falls under, he decided to levy no financial penalty at all against the licensee. Instead, he issued a remediation order that, for the most part, required the licensee to do what it was already obligated to do under the logging plan. He ordered the licensee to clean the logging debris out of the creeks and to plant the areas with grass seed and willow to prevent soil erosion.

The Board argued that a zero penalty may be appropriate for minor, unintentional contraventions that cause trifling harm. However, such a penalty would be inappropriate in the circumstances of this case. The contravention put human water supply at risk, released substantial sediment into fish streams and appeared to have created an economic benefit to the company. The Board argued that there was evidence that the contraventions were deliberate and repeated, and were exacerbated by the licensee's lack of cooperation and failure to take action to correct the effects of the contravention.

The Board was concerned that the lack of penalty failed to deter future contraventions and would send the wrong message to those in the field who make the decisions about whether or not Forest Practices Code rules will be respected. The Board was concerned that the decision could create an incentive for future licensees to ignore Code requirements in cases where such requirements would cost the licensee money, or were inconvenient.

As the Board requested, the review panel decided to send the matter back to the district manager to reconsider the lack of penalty. The district manager is currently reconsidering the determination.

FUTURE DIRECTION

The Board is always looking for ways to improve the Code. Increased public outreach is planned for the coming year in the review and appeal program. Evolution of the Code is being shaped by independent certification of forest practices, which many forest tenure holders are adopting, and by the government's trend toward encouraging pilot projects that improve the regulatory framework for forest practices. We are keeping informed of these projects and the emphasis they place on a more comprehensive approach to forest management.

TABLE 4
REVIEW AND APPEALS STATS 2000

Number of files initiated by public request	9
Number of files referred from Board investigations	3
Number of forest development plan reviews considered	10
Number of FDP reviews requested by Board	1
Number of administrative review panel decisions considered	26
Number of administrative review panel decisions appealed	2
Number of licensee-appealed administrative review panel decisions considered	7
Number of appeals by licensee where Forest Practices Board joined as a party	3
Number of administrative review panel decisions and appeals by licensee considered	33
Number of Forest Appeals Commission decisions received and considered	5
Number of FAC appeals withdrawn by licensee	2
Number of FAC appeals resolved by consent order	1
Number of BC Supreme Court decisions received	1

PUBLIC CONTACT

PUBLIC AWARENESS IS KEY TO THE SUCCESS of the Forest Practices Board in fulfilling its role as the public watchdog in the Crown forest. If the general public doesn't know what the Board does, they aren't able to use it to assess whether sound forest practices are being followed in every region of the province. Each audit and investigation that is reported publicly increases the level of public understanding of issues that face everyone who operates in the public forest. Publicly released audits and investigations show what licensees and regulators are doing well and not doing well, increasing public confidence in sound forest practices and increasing public vigilance around poor forest practices.

Equally important is Board member awareness of the issues that are affecting those people who implement the Code, and awareness of the concerns of the public. Being informed by the public is as important as informing the public.

ACCOMPLISHMENTS IN 2000

Last year, the Board organized the publication and announcement of 31 Board reports, a record number. The Board was also represented at 25 conferences, trade shows, and annual general meetings of specific relevance to the Board's mandate. Staff and Board members also spoke at 14 different events, including Globe 2000 and Demo 2000 – both gatherings of international delegates involved in forestry and environmental issues.

Board members and executive staff travelled to Cranbrook, Kelowna, Prince George, Houston and Smithers last year, where they met with government staff, First Nations, forest companies and others interested in the Forest Practices Code and the work of the Board. These community visits provide a valuable opportunity for the Board to receive input from interested individuals and groups and to explain the findings, conclusions and recommendations arising from its work.

Some of the feedback the Board heard during their visit to Kelowna last year, for example, came from local Nordic ski clubs concerned about the lack of emphasis placed on recreation in forest development planning. That visit also heard from a forest industry group, who felt some statements in last year's Forest Practices Board annual report were damaging to the industry, and that there is

not enough emphasis on economic issues in Board reports. Area First Nations also participated in the Kelowna community visit last year, raising the question of how to address cutblocks proposed in areas where local knowledge indicates unstable slopes but technical assessments might not come to the same conclusion.

The Board's visit to Smithers focused mainly on the 1999 Northwood audit and discussing with the interested groups how the Board came to its conclusions. The Board's comments in that audit report were the subject of a judicial review that remains in the courts.

The Board found over the last year that by increasing its use of electronic information distribution, the avenues of communication between the Board and the public improved greatly. There has been a much greater use of email and our newly-designed website to get information out to the public, and the interested public is using the same methods to get information back to us. Along with increased efficiency and reduced costs, this is helping the Board be more responsive to the public. However the Board also recognizes that not everyone is using electronic communications. Our toll-free line ensures the public a means to request and receive information.

FUTURE DIRECTION

A public awareness survey last year confirmed that too few people know about the Board. But when the Board's mandate and work was outlined, the survey indicated very strong public support for this role. Given that British Columbians feel strongly that the Board's role is important, it's imperative that the Board make greater efforts to let them know the Board is out there performing the service they value.

Some of the survey results include:

- All respondents indicated that the functions performed by the Board are important
- Less than 20 per cent of respondents had heard of the Board, but 90 per cent of all respondents said it's important for an independent agency such as the Board to exist
- Just over half the respondents feel the Board can act in a fair and unbiased manner, while just under half felt the Board cannot maintain its independence from government and the forest industry.

To build on public awareness, more effort will be put into community visits in 2001, and the Board will continue to look for ways to increase public awareness of its work. The Board will also continue to ensure its work is – and is seen as – fair, unbiased and independent.

All Forest Practices Board reports and publications are available on our website at

www.fpb.gov.bc.ca

TABLE 5 – PUBLICATIONS RELEASED IN 2000

SPECIAL REPORTS

1. Enhancing the Board's Ability to Appeal Forest Development Plan Approvals: A Special Report on the Need to Amend Section 40 of the *Forest Practices Code of British Columbia Act* and section 2 of the *Administrative Review and Appeal Regulation.*
2. A Review of the Forest Development Planning Process in British Columbia

SPECIAL INVESTIGATION REPORTS

1. Significant Breaches of the Forest Practices Code along the Power Line Corridor for the Kemess South Mine
2. Forest Practices and Planning in the Sustut Valley north of Smithers, BC
3. Implementation of the Cariboo-Chilcotin Land Use Plan in Forest Development Plans

AUDIT REPORTS ON COMPLIANCE

1. Audit of Timber Harvesting and Road Construction, Maintenance and Deactivation – Northwood Pulp and Timber Ltd., Houston Division, Forest Licence A16828
2. Audit of Timber Harvesting and Road Construction, Maintenance, and Deactivation – West Fraser Mills Ltd., Skeena Sawmills Division, Tree Farm Licence (TFL) #41
3. Audit of Timber Harvesting and Road Construction, Maintenance, and Deactivation – Riverside Forest Products Ltd., Lumby Division, Forest Licence A20191
4. Audit of Forest Planning and Practices – Canadian Forest Products Ltd., Fort St. James Division, Forest Licence A40873
5. Audit of Timber Harvesting and Road Construction, Maintenance and Deactivation – Western Forest Products Ltd., TFL #25 (northern portion)
6. Audit of Forest Planning and Practices – Small Business Forest Enterprise Program, Sunshine Coast Forest District
7. Audit of Timber Harvesting and Road Construction, Maintenance and Deactivation - Canadian Forest Products Ltd., TFL #48
8. Audit of Timber Harvesting and Road Construction, Maintenance and Deactivation – Tanizul Timber Ltd., TFL #42
9. Audit of Timber Harvesting and Road Construction, Maintenance and Deactivation – Small Business Forest Enterprise Program, Mid-Coast Forest District
10. Audit of Forest Planning and Practices – Atco Lumber Ltd., Forest Licence A20218
11. Audit of Timber Harvesting and Road Construction, Maintenance and Deactivation – Evans Forest Products, a Division of Louisiana Pacific Canada Engineered Wood Products Ltd. (Currently LP Engineered Wood Products Ltd.), TFL #55
12. Audit of Timber Harvesting and Road Construction, Maintenance and Deactivation – International Forest Products Ltd. West Coast Division, TFL #54
13. Audit of Timber Harvesting and Road Construction, Maintenance and Deactivation – Skeena Cellulose Inc., Forest Licence A16829

COMPLAINT INVESTIGATION REPORTS

1. Logging and Management of Cultural Heritage Values Near Babine Lake, North of Burns Lake, BC
2. Road Construction Practices near the Upper Adams River – Blue River, BC
3. Did Logging Flood the Hayfield? Forest Practices on Mt. Rose Swanson, Armstrong, BC
4. Landscape Management around Carbon Inlet and Peace Reach on Williston Lake, Near Hudson's Hope, BC
5. Maintaining Biodiversity in a Cutblock on Southwestern Vancouver Island
6. Effects of Power Line Clearing on Domestic Water Supply near Thutade Lake in Northern BC
7. Managing Recreation Conflicts in a Forest Development Plan
8. Biodiversity Conservation on Mount Elphinstone, Sunshine Coast
9. Salvage of Hemlock Looper-Killed Timber in the Robson Valley
10. Protection of Water Quality and Scenic Values from the Effects of Logging at Gun Lake
11. Adequacy of Repair and Maintenance of the Elk River Road, near Elk Lakes Provincial Park
12. Opportunity for Public Review and Comment on Proposed Forest Operations along Takla Lake
13. Appropriateness of a Stop Work Order for a Woodlot Near Midway, BC

RECOMMENDATIONS MADE BY THE FOREST PRACTICES BOARD AND RESPONSES TO RECOMMENDATIONS

RECEIVED BY THE BOARD BETWEEN JAN. 1 AND DEC. 31, 2000

COMPLAINT INVESTIGATIONS

Did Logging Flood the Hayfield? - Forest Practices on Mt. Rose Swanson near Armstrong, B.C. – March 2000

RECOMMENDATION

The participants should review and implement recommendations previously made by government professionals concerning deactivation of a road and deflection of surface flow to stop the flooding.

RESPONSE

No response requested or required.

Landscape Management Around Carbon Inlet and Peace Reach on Williston Lake, Near Hudson's Hope, B.C.

The Board requests that the district manager of the Dawson Creek Forest District advise the Board by June 30, 2000, of the actions taken or planned to address these recommendations.

RECOMMENDATION

The district manager should involve the public in identifying scenic areas and visual quality objectives for areas visible from Williston Lake for a landscape unit plan to be completed by December 2000.

RESPONSE

Ministry of Forests responded June 1, 2000:

Landscape Unit Plans: Currently, landscape unit objectives unrelated to old-growth management or wildlife tree retention can not be set without the agreement of the licensee. A landscape unit plan will be done by July 2002 and new visual quality objectives will be set.

Canfor has been required to complete visual landscape inventories for the TFL to provincial standards by July 2000. Canfor has solicited comments from the public and other stakeholders for that inventory.

When the new visual landscape inventory is received, the district manager will provide the results and recommendations to everyone who has expressed concerns. The recommended visual quality objectives will be made available for public review and comment for 60 days.

By the end of 2000, the district manager will use the new inventory to establish the new visual quality objectives that take the concerns of the public, the licensee and the Crown into account.

RECOMMENDATION

Until new visual quality objectives have been set, any groups or individuals who ask to review visual impact assessments and comment on silviculture prescriptions should be allowed to do so before proposed cutblocks visible from Williston Lake are approved for harvesting.

RESPONSE

Canfor is required to advertise and allow the public 30 days to review the assessments and prescriptions.

Effects of Power Line Clearing on Domestic Water Supply Near Thutade Lake in Northern B.C.

RECOMMENDATION

The licensee should complete discussions with the complainant and resolve the issues raised during the environmental assessment project review. The licensee should ensure that the complainant has access to clean water. Meetings should resume immediately.

The Board requests that the licensee advise the Board and the Ministry of Energy and Mines by Sept. 1, 2000 about how it has addressed the recommendation.

RESPONSE

Licensee responded Sept. 12, 2000.

During the summer of 1999 the complainant's waterline was replaced. The new waterline was buried for freeze protection and extends beyond the power line corridor. The cost of the project has been paid for by Kemess mine (Northgate Exploration Ltd.).

Biodiversity Conservation on Mt. Elphinstone, Sunshine Coast

RECOMMENDATION

Sound forest management means that forest resources must be managed and conserved, regardless of whether the timber is allocated to small businesses or larger licensees. Section 40 of the Act should be revised to ensure this happens.

Given the apparent biological diversity in the Mount Elphinstone area, the Board recommends that the district manager re-examine whether a low biodiversity emphasis is appropriate.

The Board also recommends that the district manager continue to make silviculture prescriptions for the Mount Elphinstone area available for the public to review.

RESPONSE

Ministry of Forests responded Dec. 4, 2000, but the Board requested more information.

Salvage of Hemlock Looper-Killed Timber in the Robson Valley

RECOMMENDATION

Forest managers should deal proactively with forest health issues such as hemlock looper infestations.

RESPONSE

Ministry of Forests responded Dec. 5, 2000.

Forest management practices have evolved since the circumstances of this complaint in 1996. As new forest health knowledge becomes available, it is incorporated into the district's management practices.

RECOMMENDATION

If large cutblocks are essential for salvage purposes, operational plans should manage biological diversity at both the landscape and stand level. Government should assign a high priority to the designation of landscape units with biological diversity objectives where widespread salvage is planned. Then, if stand-level management becomes

impractical, biological diversity can be increased in other stands in a landscape unit to compensate.

The district manager should implement a landscape-level plan for the area affected by the hemlock looper salvage that addresses biodiversity management and sets aside old growth to compensate for the larger cutblocks required for salvage.

District managers should be prepared to explain to the public whenever a significant number of large blocks is required.

RESPONSE
Ministry of Forests responded Dec. 5, 2000 but the Board requested more information.

Opportunity for Public Review and Comment on Proposed Forest Operations Along Takla Lake

RECOMMENDATION
Public advertising for forest development planning is important. Direct notification by mail, email or fax is effective, as is posting on websites. Radio advertisements should be used where newspaper access is limited.

RESPONSE
No response requested or required.

Protection of Water Quality and Scenic Values from the effects of Logging at Gun Lake

The Board requested that the Ministry of Forests respond by Oct. 31, 2000.

RECOMMENDATION
Ministry of Forests respond to these recommendations by treating one area in the Gun Lake watershed as a community watershed, but should explain whether it will do the same to the rest of the watershed.

RESPONSE
Ministry of Forests responded Nov. 10, 2000.

Only one cutting permit was treated as if it were in a community watershed. The district will not promise to do so for the rest of the Gun Lake watershed. Nevertheless, except for the issue of cutblock size, the north side of Gun Lake has been treated as if it were in a community watershed.

RECOMMENDATION
A watershed advisory committee should be formed to examine whether existing watershed assessments identify issues that might affect other development in the watershed.

RESPONSE
There is no current need for a watershed advisory committee because no further development is planned. The local land use plan will provide further guidance.

SPECIAL INVESTIGATIONS

Significant Breaches of the Forest Practices Code Along the Power Line Corridor for the Kemess South Mine

RECOMMENDATIONS
The Board recommends that:

- The licensee provide a road deactivation plan and stream remediation plan to government by June 30, 2000.
- The licensee complete summer work by Oct. 31, 2000 and winter works by May 31, 2001.
- The government address the widespread non-compliance and environmental harm reported along the entire power line using provisions in the Forest Practices Code. The three ministries should work co-operatively to ensure that the licensee provides the road and stream remediation plans and does the work as planned. In addition, government should make explicit plans to monitor the licensee's work and to ensure the work is done if the licensee fails to do so.
- The three ministries reconsider penalties for past non-compliance by the licensee.
- The government provide Forest Practices Code enforcement training to senior officials and field staff in all the regulatory ministries that results in appropriate co-ordinated Code enforcement.

RESPONSE
Responses were received but were not adequate and the Board is awaiting another response in February 2001.

Forest Practices and Planning in the Sustut Valley North of Smithers, B.C.

RECOMMENDATIONS
One of the licensees should develop proactive and efficient long- and short-term strategies to successfully manage bark beetles in its operating areas.

Both licensees should produce well-organized and legible forest development plans that meet the full content requirements of the Code. The plans should be presented in a way that can be understood by the general informed public.

In approving forest development plans that propose departures from standard forest practices, the district manager should include reasons that are available to the public.

One licensee should develop standard operating procedures to deal with extraordinary conditions, such as presence of very fine soils, that may arise in newly-accessed areas.

The Ministry of Forests should ensure that problem soil situations such as fine-textured deposits on gently sloping terrain are identified in operational planning.

RESPONSE
Response due in 2001.

Implementation of the Cariboo-Chilcotin Land-Use Plan in Forest Development Plans

RECOMMENDATIONS
The ministers should identify the specific targets, objectives and strategies of the CCLUP that constitute the higher level plan.

The Board recommends that government develop a process to have the ministers endorse amendments to the higher level plan that have significant impacts, and to have public review and consultation prior to making such changes.

The process should also allow senior regional staff to make amendments to the higher level plan that do not have significant impacts.

Government should amend the higher level plan to clarify its timber access targets.

Government should ensure that its direction for implementation is consistent with the higher level plan regarding road access, visual quality, early seral targets and harvesting in high-elevation caribou habitats.

Statutory decision-makers should make the location of areas where backcountry and no-harvest values are to be achieved known so that they may be managed in future forest development plans.

Government should clarify two specific targets. The absence of strategies, described by the CCLUP as necessary for the ongoing achievement of the higher level plan's targets and objectives, is putting implementation of the higher level plan at risk and creating legal uncertainty. Strategies should be developed as described in the CCLUP and, wherever feasible, the strategies or key portions of those strategies adopted as part of the higher level plan. Specifically, the Board recommends that government should amend the higher level plan to adopt strategies to achieve plan objectives for biodiversity, backcountry recreation and access.

Government should develop an effective way to monitor, and let the public comment on, whether forest development plans are achieving the higher level plan's objectives.

RESPONSE
Response due in 2001.

SPECIAL REPORTS

A Review of the Forest Development Planning Process in British Columbia

RECOMMENDATIONS
The Board recommends that:

- Government complete landscape unit plans as soon as possible. Landscape unit plans should be broadened in scope to provide clear and measurable objectives for the full range of forest resources and provide meaningful guidance to operational plans. Landscape unit plans must involve the broad public during their development. This will allow the public to have input into objectives for resource management and conservation at the landscape level.
- Once landscape unit plans are in place, as recommended, government should review the Code requirements for FDPs and make appropriate changes to achieve streamlining, such as reducing FDP content to eliminate duplication with landscape unit plans. Code requirements should also be reviewed and amended to enable greater flexibility and adaptability to respond to changing circumstances.
- Government promote a working environment that encourages and recognizes the benefits of co-operation and respect among those involved in the forest development planning process.

RESPONSE
Response due in 2001.

Enhancing the Board's Ability to Appeal Forest Development Plan Approvals

RECOMMENDATIONS
Section 2 of the *Administrative Review and Appeal Regulation* should be amended to explicitly enable the Board to appeal the approval of forest development plans that have been prepared by Ministry of Forests officials for the Small Business Forest Enterprise Program. Specifically, the regulation should give the Board the ability to request administrative reviews of section 40 decisions to "give effect to" such FDPs.

Section 40 of the *Forest Practices Code of British Columbia Act* should be amended to be consistent with section 41. Specifically, the provisions of sub-section (b) of Section 41(1), which require the district manager to be satisfied that the plan or amendment will "adequately manage and conserve the forest resources of the area to which it applies" should be added to section 40(1).

RESPONSE
During the year, discussions were held between government staff and Board staff regarding specific ways in which the legislation in question could be improved. The Board is hopeful that the legislation will be changed in the near future.

COMPLIANCE AUDITS

Port McNeill Forest District (SBFEP) – November 1999

The Board requests that the Port McNeill Forest District advise the Board by Feb. 29, 2000 of the actions taken to implement these recommendations.

RECOMMENDATION
As provided by section 185 of the Act, the Board recommends that the Port McNeill Forest District:

- review the implementation of the Port McNeill Forest District Small Business Forest Enterprise Program;
- determine the causes of the non-compliance identified during the audit; and
- adjust existing procedures, or develop procedures where gaps currently exist, to ensure that SBFEP planning and practices comply with the Code.

RESPONSE
The Ministry of Forests responded on Jan. 13, 2000

All findings have been reviewed to ascertain the cause of any apparent non-compliance. Some of the findings were reiterations of previous Board findings that had already been corrected prior to the audit.

RECOMMENDATION
Forest Health Planning

The Board recommends that the Port McNeill Forest District:

- record and evaluate all forest health factors that occur in the district in its operational plans for the SBFEP and, where a factor is a significant risk, include measures to address the risk;
- address site-level windthrow risk in silviculture prescriptions; and
- continue to improve the location of cutblock boundaries to address windthrow risk and the risk to forest resources caused by windthrow.

RESPONSE
- The district will continue to record and evaluate forest health factors that are currently causing damage or have the potential to cause damage to forest resources.
- Specific windthrow assessments will be undertaken as directed by the district manager. The results of any necessary assessments will be integrated into the silviculture prescriptions.
- Layout and design field practices will continue in the manner that has proven successful to date, as acknowledged by the auditor.

RECOMMENDATION
Bridge Construction

The Board recommends that the Port McNeill Forest District:

- investigate, take enforcement actions and adjust procedures to address the non-compliance of the bridge construction with the operational plans;
- improve the monitoring in the field of SBFEP bridge construction to ensure that practices comply with approved operational plans; and
- ensure that any in-stream work complies with recognized timing windows by:
  i. requesting the Ministry of Environment, Lands and Parks identify appropriate timing windows for in-stream work in the district so that the district manager can implement them, and
  ii. implementing the timing windows identified in the Riparian Management Guidebook, until district timing windows are identified.

RESPONSE
All fish stream crossings are planned in a manner that will require no in-stream works. Should this standard be impractical, all in-stream works will be undertaken with full involvement of the Ministry of Environment, Lands and Parks and the Department of Fisheries and Oceans and will include as standard practice fish recovery the deployment of silt fencing where applicable and appropriate timing windows. All fish stream crossings undertaken by the licensees under the program will receive specific and documented inspections relative to the crossing.

RECOMMENDATION
Timber Harvesting in Riparian Management Areas

The Board recommends that the Port McNeill Forest District:

- properly identify and classify all streams, including small streams, in operational plans;
- prescribe harvesting practices and riparian treatments in operational plans that are appropriate for the site conditions and can be implemented on the ground;
- develop and implement operating procedures so that staff and licensees respond when streams that are not identified in operational plans are discovered during timber harvesting; and
- ensure that field inspections and monitoring of timber harvesting activities in the SBFEP are adequate to ensure that practices in riparian areas comply with appropriate operational plans.

RESPONSE
- No specific change to the stream assessment approach is considered necessary
- Licensees have been very proactive about identifying any matters of concern to forest officers and, in this case which involved transitional cutblocks, the unidentified channels were brought to the forest officers' attention. The SBFEP expects licensees and contractors to identify matters of concern to forest officers. The SBFEP will continue to highlight this expectation during pre-work conferences with licensees and contractors. Appropriate file documentation when these notifications occur will also be ensured.
- Pre-work conferences with licensees are held to ensure they understand all silviculture prescription requirements.

RECOMMENDATION
As provided by section 185 of the Act, the Board recommends that the Port McNeill Forest District ensure that SBFEP forest development plans incorporate currently available information on non-timber forest resources in the district. They should include objectives for their management and specify measures that will be taken to protect these resources.

RESPONSE
The Port McNeill Forest District Small Business Forest Enterprise program will follow the Forest Practices Code provisions and endeavour to manage non-timber forest resources as per the legislation.

West Fraser Mills Ltd. - Tree Farm Licence 41 – January 2000

RECOMMENDATIONS
As provided by section 185 of the Act, the Board recommends that West Fraser Mills Ltd.:

- engage a qualified professional to identify potential remedial actions, and if remedial actions are possible, prepare an action plan that meets Code requirements and mitigates the impacts on the two riparian reserves and stream banks;
- complete the recommended remedial actions specified in the plan; and
- complete remedial actions to remove the barrier to fish passage created by a culvert on one of the streams.

The Board requests that the West Fraser Mills Ltd. advise the Board by Mar. 31, 2000 of the actions taken to implement these recommendations.

RESPONSE
West Fraser Mills Ltd. responded on May 1, 2000:

- West Fraser had engaged qualified professionals to assess the impacts to the above streams in October and November of 1998.
- Hand cleaning and grass seeding were implemented in August 1998 prior to the audit. Planting of seedlings within the block and adjacent to the stream was completed in September 1998.
- According to the licensee's contracted qualified professional, the culvert does not pose a barrier to fish passage on the S3 stream. The culvert in question was removed in September 1999 during the course of spur road deactivation of the cutblock.

RECOMMENDATION
The Board recommends that West Fraser Mills Ltd. ensure its forest development plans incorporate currently available information on non-timber forest resources in its tree farm licence. They should include objectives for their management and specify measures that will be taken to protect these resources.

RESPONSE
The use of the June 1998 FDP template helps identify specific measures to protect non-timber forest resources. West Fraser has specified measures where appropriate in order to ensure the adequate management and conservation of the forest resources.

West Fraser has incorporated information and specified objectives in the FDP in accordance with the requirements of the *Operational Planning Regulation*. West Fraser provides additional information where necessary, in response to review comments or questions from stakeholders.

Unless specified by the Code and regulations, West Fraser will not include objectives in the FDP for forest resources which are in the process of development under higher level planning. West Fraser is involved in the higher level planning process.

RECOMMENDATION
The Board recommends that government expedite the development and establishment of higher level plans, including landscape unit objectives, in a way that assists West Fraser in addressing non-timber forest resources in its forest development plans.

RESPONSE
Ministry of Forests responded Mar. 31, 2000. The Ministry hopes to have the Kalum Land and Resource Management Plan (LRMP) approved and implemented by spring 2001. In the meantime, work is underway to establish landscape unit objectives for wildlife tree patches and old-growth management areas.

RECOMMENDATION
As provided by section 185 of the Act, the Board recommends that government and West Fraser Mills Ltd. take measures to address the stability of old road systems within TFL 41.

RESPONSE
The Ministry of Forests responded Mar. 31, 2000. A majority of the old roads have been or are being deactivated, or have deactivation scheduled for the next five years. In the district's view, the deactivation completed, underway, and planned will systematically restore the non-status roads to a level deemed appropriate by Forest Renewal BC (FRBC).

West Fraser Mills Ltd. responded on May 1, 2000. The stability of old road systems have been and are being currently addressed under the watershed restoration program of FRBC.

Canadian Forest Products Ltd. (Canfor) - Forest Licence A40873 – August 2000

RECOMMENDATION
The Board recommends that Canfor:

- collect current, relevant stand and infestation data, including the results of probes such as those described in the *Bark Beetle Management Guidebook*;
- evaluate the data to determine beetle population trends and more clearly define the placement, configuration and timing of proposed harvesting areas; and
- develop and implement specific management strategies and treatments, based on the detailed information collected, to reduce the risk from mountain pine beetle and adequately manage and conserve other forest resources.

In accordance with section 186 of the Act, the Board requested that Canfor advise the Ministry of Forests, Fort St. James Forest District by Nov. 30, 2000, with a copy to the Board, of the actions taken and the timing involved to address this recommendation.

RESPONSE
Canfor responded on Nov. 29, 2000.

- Canfor will collect information, on the ground, from stands requiring further actions to control mountain pine beetle. For areas greater than one hectare, formal ground probes will be conducted at a grid spacing mutually agreeable to Canfor and the Ministry of Forests.
- Canfor will evaluate the data gathered from ground probes to determine the beetle population trends. Any area proposed for harvesting will be ground proofed to confirm the location of green attack trees. The nature and timing of treatments will be designed to get the biggest impact on beetle populations considering operational constraints.
- Canfor has developed and implemented specific management strategies and treatments that are designed to reduce the risk of losses to timber values because of mountain pine beetle, while at the same time managing and conserving other forest resources. These strategies include direct control measures of active beetle epicentres and indirect control measures of reducing the hazard.

RECOMMENDATION
The Board requested that the Ministry of Forests, Fort St. James Forest District, confirm by Feb. 28, 2001, that Canfor's operational plans and beetle management strategies include information that addresses the Board's recommendation.

RESPONSE
Response due in 2001.

RECOMMENDATION
The Board recommends that, despite the absence of formally designated higher level plans, Canfor incorporate measures for protecting non-timber forest resource values in its operational plans to correct the deficiencies noted in section 4.0 of the auditor's report.

The Board requested that Canfor advise the Board by Nov. 30, 2000 of the actions taken to implement this recommendation.

RESPONSE
Canfor responded on Nov. 29, 2000. Canfor retained a wildlife biologist to review each cutblock proposed in the caribou joint approval area. The recommendations of the biologist will be used to adjust block configurations in the next forest development plan.

RECOMMENDATION
The Board recommends that the Code ministers expedite the development and establishment of higher level plans, including landscape unit objectives, or have the district manager identify or make known certain forest resources in a way that assists Canfor in addressing non-timber forest resources in its forest development plans.

The Board requested that the Code ministers advise the Board by Nov. 30, 2000 of the actions taken to implement this recommendation.

RESPONSE
No response received as of Dec. 31, 2000.

Northwood Pulp and Timber Limited – Forest Licence A16828 – January 2000

RECOMMENDATION
The Board requests that Northwood advise the Ministry of Forests, Houston Forest District, with a copy to the Board, by Mar. 31, 2000 of the actions taken and the timing to address recommendations 1, 2 and 3.

1. Because the risk of loss of soil productivity on sensitive and wet soils is high, the Board recommends that Northwood Pulp and Timber prevent loss of soil productivity by avoiding concentrated rutting and soil compaction during harvesting operations. Northwood should include measures such as:

- adequately identifying sensitive and/or wet soils;
- specifying, in silviculture prescriptions, seasonal and site constraints;
- specifying, in silviculture prescriptions, soil disturbance levels that reflect actual site conditions and prevent loss of soil productivity; and
- avoiding the use of heavy equipment during wet seasons or on wet soils.

RESPONSE

Canadian Forest Products Ltd (formerly Northwood Pulp and Timber Ltd.) responded on Mar. 29, 2000.

Northwood's current divisional standards for biogeoclimatic classification data collection are felt to be appropriate to meet the FPB recommendation. The current standard dictates a minimum of one plot per five hectares of gross eco-unit stratum area rather than the industry minimum standard of one plot per standard unit. In addition, test holes are dug at regular intervals between plots.

Season and site constraints are legally required in silviculture prescriptions. Effective immediately, silviculture prescriptions submitted by Northwood's prescribing foresters will provide site-specific measures to address isolated problem areas and will be more specific with respect to special measures required where seasonal constraints might apply.

In order to ensure loss of soil productivity is minimized, Northwood will continue to complete reconnaissance level site disturbance surveys as described in the soil conservation system using values for disturbance levels outlined in the *Soil Conservation Guidebook*.

Specific seasonal and site constraints will address the use of heavy equipment during wet seasons or on wet soils.

RECOMMENDATION

2. The Board recommends that Northwood Pulp and Timber ensure that its road maintenance complies with Code requirements. This should include reviewing and continuing to develop and implement operating procedures for inspecting roads and carrying out road maintenance.

RESPONSE

Northwood has developed a regional operating procedure for the Houston operation, outlining their approach for conducting and documenting road and bridge inspections. The road database is now fully functional, permitting Northwood to schedule and track inspections for all roads they are obligated to inspect.

RECOMMENDATION

3. The Board recommends that Northwood Pulp and Timber:
   - ensure that all planned and completed road deactivation is identified in forest development plans, and
   - complete the deactivation activities identified in the 1996-2001 forest development plan.

RESPONSE

Generally, Northwood's objective is to maintain all operational roads and to have block spur roads deactivated to a permanent or semi-permanent level within three years of harvest unless additional site preparation, planting or other forest management activities are required.

Deactivation works conducted will be consistent with the current approved FDP. Completion of deactivation activities is subject to operational realities, so some road deactivation may be rescheduled.

RECOMMENDATION

The Board requests that the Ministry of Forests, Houston Forest District, confirm by June 30, 2000 that:

- recommendations 1 and 3 are being addressed in Northwood's silviculture prescriptions and forest development plans; and
- road deactivation has been completed according to the forest development plans.

RESPONSE

Ministry of Forests responded on July 13, 2000.

A review, conducted by district staff, of Canfor's (formerly Northwood Pulp and Timber Ltd.) current silviculture prescriptions indicates that a number of measures are being taken to identify sensitive and/or wet soils and to include site-specific measures to address problem areas. Current silviculture prescriptions include a treatment unit map and an ecological unit map describing the site series on each eco-unit.

The current *Soil Conservation Guidebook* (April 1995) provides recommendations on the maximum proportion of the net area to be reforested within any standard unit that may be occupied by dispersed soil disturbance. Canfor intends to continue showing the maximum soil disturbance level provided by the *Soil Conservation Guidebook* in their silviculture prescriptions. It is Canfor's intention to monitor soil productivity through the use of their soil conservation system.

A review by district staff indicates 244 sections of road or individual works listed for deactivation in Northwood's 1996 forest development plan. Of these, 12 works are completed, 138 works were carried forward to the 1997 plan, and 94 are either no longer required or are not reported.

It appears that Canfor has set in place appropriate internal measures to ensure that current practices address the concerns raised in the 1997 Board audit.

RECOMMENDATION

4. Section 45(3) of the Forest Practices Code of British Columbia Act prohibits a person from carrying out a forest practice that results in inordinate soil disturbance, due to weather conditions or site factors. The term "inordinate soil disturbance" is defined in section 30(1) of the *Silviculture Practices Regulation*.

The Board recommends that the government amend section 30(1) of the *Silviculture Practices Regulation* so that the definition of "inordinate soil disturbance" includes situations of concentrated rutting and excessive soil compaction that affect soil productivity.

The Board requests that the government advise the Board by March 31, 2000, of the actions taken to address recommendation 4.

RESPONSE

The chief forester responded on April 5, 2000.

Rather than amend the legislation, the ministry has decided it would be more appropriate to provide advice to district managers on interpreting and implementing current requirements of the Code that are intended to prevent and correct concentrated soil disturbance.

This advice to district managers identifies sensitive soil conditions that will affect the timing of operations, provides guidance on how to time operations to prevent inordinate soil disturbance, describes the authority the district manager has to require rehabilitation of damaged areas, and provides examples of soil disturbance that may warrant its application.

Mid Coast Forest District (SBFEP) – November 2000

The Board requests that the district advise the Board by Jan. 31, 2001 of the actions taken and the timing to address these recommendations.

RECOMMENDATIONS

1. With regard to timber harvesting, the Board recommends that the Mid Coast Forest District:
   - carry out its proposed plan to conduct post-harvest dive assessments to determine whether the results of the audit were pervasive or isolated, and to address the cause(s) of the findings. The Board recommends that the district's follow-up on causes of the findings should emphasize the prevention of excessive amounts of wood debris being deposited on the marine foreshore;
   - implement a program to monitor A-frame logging practices, which includes conducting post-harvest dive assessments to determine whether excessive amounts of wood debris have been deposited on the marine foreshore of A-frame logged cutblocks; and
   - adequately monitor contractor operations and follow up on non-compliant activities.

RESPONSE

Response due in 2001.

RECOMMENDATION

With regard to road construction, the Board recommends that the Mid Coast Forest District:

- implement its plan of remedial actions to rehabilitate the stream identified in the finding of significant non-compliance;
- ensure that road layouts and designs reflect correct stream classifications and are communicated effectively to contractors of the SBFEP; and
- adequately monitor contractor operations and follow up on non-compliant activities.

RESPONSE

Response due in 2001.

Canadian Forest Products Ltd. (Canfor) - Tree Farm Licence 48 – November 2000

RECOMMENDATION

The Board recommends that Canfor ensure that all future bridge inspections comply with the requirements of section 16 of the *Forest Road Regulation*. Section 16 of the *Forest Road Regulation* contains requirements such as including the date of the next scheduled inspection, a recommendation for any repairs that may be required and a schedule for those repairs.

In accordance with section 186 of the Act, the Board requests that Canfor advise the Board by Jan. 31, 2001 of the actions taken and the timing involved to address this recommendation.

RESPONSE

Response due in 2001.

Western Forest Products Ltd. - Tree Farm Licence 25 – October 2000

RECOMMENDATION

Western Forest Products Ltd. should conduct a field performance review of the newly introduced stream assessment process and standard operating procedures to ensure compliance with the Code.

Western Forest Products Ltd. should review its current methodology for assessments prepared by specialists and develop technical checklists for forestry professionals and technical staff receiving these assessments.

The Board requests that Western Forest Products Ltd. advise the Queen Charlotte Islands, North Coast and Mid-Coast forest district managers of the actions taken and the timing involved to address the above recommendation by Jan. 31, 2001, with a copy to the Board.

RESPONSE

Response due in 2001.

Sunshine Coast Forest District (SBFEP) – October 2000

RECOMMENDATION

The Board recommends that the Sunshine Coast Forest District review its procedures for fire tool inspections to ensure that timber sale licensees have the necessary tools on-site during the entire fire season.

The Board recommends that, to ensure full compliance with the appropriate legislation, the Ministry of Forests:

- review the conduct of fire preparedness planning within the SBFEP;
- determine the content requirements for plans;
- implement appropriate roles and procedures for completing plans; and
- amend legislation if necessary.

The Board recommends that the government expedite the adoption of higher level plans, including landscape unit objectives, within the Sunshine Coast Forest District.

The Board requests that the Sunshine Coast Forest District and the Deputy Minister of Forests advise the Board by Jan. 31, 2001 of the actions taken to address these recommendations.

RESPONSE

Response due in 2001.

ENFORCEMENT AUDITS

Audit of Government's Enforcement Framework for the Forest Practices Code

RECOMMENDATION

1. Government needs to reaffirm the co-operative approach to Code enforcement and reverse the current drift apart by the participating ministries. The current memoranda of understanding and compliance and enforcement structures should be reviewed and either reaffirmed or replaced, and the current gaps in Code enforcement should be addressed. Government's compliance and enforcement framework should:
   - make the most efficient use of the scarce resources all three ministries have;
   - build on the good work that has already been done, rather than re-invent the wheel; and
   - ensure that all Code aspects are addressed, including all non-timber forest resources and Crown lands used for access roads and power transmission corridors.
2. Government should proceed with immediate implementation of higher level plans and objectives to establish strategic objectives for adequately managing and conserving all forest resources and to thereby achieve the intent of the Code.
3. The Ministry of Forests should address the inherent conflict in the Small Business Forest Enterprise Program. At a minimum, the compliance and enforcement monitoring of the SBFEP should be performed external to the program and in a manner consistent with the approaches taken to compliance and enforcement monitoring of licensees.
4. Ministry executives should complete the compliance and enforcement framework, including:
   - establishing objectives for compliance and enforcement;
   - completing the policy framework;
   - developing measures to monitor and assess performance of compliance and enforcement; and
   - improving reporting to the public.
5. Government should support all field staff in delivering a credible, effective compliance and enforcement effort by dealing promptly with compliance and enforcement issues they bring forward, and by ensuring adequate training, funding and staff are provided.

RESPONSE

Government response to be monitored through periodic enforcement audits.

GLOSSARY OF TERMS

ADMINISTRATIVE PENALTY is a penalty levied by any of three BC ministries—Forests; Environment, Lands and Parks; or Energy and Mines—against a person who has contravened the Forest Practices Code (the Code).

ADMINISTRATIVE REVIEW is a BC government review of certain types of determinations. It can lead to confirmation, cancellation or variation of the determination, or to a new determination.

AGREEMENT HOLDER is the holder of an agreement under British Columbia's *Forest Act* or *Range Act*.

COMPLIANCE is when the auditor finds that practices meet Code requirements.

COMPLAINT is a matter brought to the Forest Practices Board in writing. It includes information specified in the "Notice of Complaint."

COMPLAINT ASSESSMENT is the process by which the Forest Practices Board determines whether or not it must investigate a complaint.

CONTRAVENTION PENALTY was created by Bill 47, 1997 but is not yet in force. It is an administrative penalty for contravention of the Forest Practices Code and takes into account a number of factors, including the effect of the contravention on the government's ability to adequately manage and conserve forest resources.

CONCERN is a matter brought to the Forest Practices Board's attention, but not filed as a formal complaint.

DETERMINATION is an act, omission, decision, procedure, levy, order, or other action made or taken by an official under authority of the Code.

FOREST APPEALS COMMISSION is the independent tribunal that hears appeals from administrative review decisions made under the Forest Practices Code.

FOREST PRACTICES BOARD is the independent watchdog for sound practices in British Columbia. The Board works on behalf of the public interest.

FULL-SCOPE AUDIT is an audit of forest practices for performance under all of the requirements of the Forest Practices Code.

LIMITED-SCOPE AUDIT is an audit of forest practices for performance under some, but not all, of the requirements of the Code.

NOT SIGNIFICANT NON-COMPLIANCE is when the auditor, upon reaching a non-compliance conclusion, determines that a non-compliance event, or the accumulation and consequences of a number of non-compliance events, is not significant and is not considered worth reporting.

PARTY is the government or the agreement holder(s) under the *Forest Act* or the *Range Act*.

PERFORMANCE PENALTY was created by Bill 47, 1997 but is not yet in force. It is an administrative penalty in addition to a contravention penalty, imposed where the licensee did not exercise due diligence.

REMEDIATION ORDERS to an agreement holder are orders to do work to remedy a Forest Practices Code contravention, including any damage done to the land.

ROAD DEACTIVATION, which is done during periods of commercial harvesting inactivity, consists of measures to stabilize roads and logging trails. It includes controlling drainage, removing side-cast where necessary, and re-establishing vegetation for permanent deactivation.

SIGNIFICANT BREACH may follow a non-compliance conclusion, if the auditor determines that significant harm has occurred or is beginning to occur to persons or the environment as a result of the non-compliance event or condition.

A significant breach can also result from the cumulative effect of a number of non-compliance events or conditions. If a possible significant breach is identified, the auditor must conduct tests to determine its extent. If it is clear from those tests that a significant breach has occurred, the auditor must then immediately advise the Forest Practices Board, the party being audited, and the three ministers.

SIGNIFICANT NON-COMPLIANCE also follows a non-compliance conclusion—after the auditor has reached a non-compliance conclusion—when the auditor assesses that the non-compliance event or condition, or the accumulation of a number of non-compliance events or conditions, is significant.

SMALL BUSINESS FOREST ENTERPRISE PROGRAM (SBFEP) is a Ministry of Forests program that enables registered individuals or companies to acquire rights to harvest Crown timber under a timber sale licence. Responsibility for most forestry planning and management requirements is held by the Ministry of Forests.